

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

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag
Moment of Silence

Lewiston Youth Advisory Council Update

Mayor's presentation – Recognition of a City Employee

Presentation of the Northern New England Chapter of the American Planning Association's Plan of the Year for 2017: "Legacy Lewiston" - Lewiston's Comprehensive Plan

Acceptance of the minutes of the March 7, March 21, April 4, April 18, May 2, May 9 and May 16, 2017 meetings.

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 6.

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

- * 1. Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 238 Lisbon Street.
- * 2. Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 1056 Sabattus Street.
- * 3. Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 30 Scribner Circle.
- * 4. Approval of the election Warrant calling for a Special Municipal Election to be held on Tuesday, December 12, 2017 for the Special Mayoral Run-Off Election and recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct said election.
- * 5. Order Authorizing the Director of Social Services to enter into Agreements with various organizations for the placement of Workfare Clients.
- * 6. Order Authorizing the Acceptance of Gendron Drive as a City Street.

REGULAR BUSINESS:

- 7. Public Hearing on a new application for a new liquor license for Jade Garden, 675 Main Street.
- 8. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for LBK Events, 1 Bates Street.
- 9. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Fish Bones American Grill, 70 Lincoln Street.
- 10. Public Hearing and Final Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance regarding Sex Offender Restricted Zones.

11. Public Hearing and Final Passage regarding amendments to the City's Land Use Code, Business Licensing Ordinance and Fire Prevention & Protection Ordinance pertaining to lodging houses and lodging places.
12. Public Hearing and First Passage regarding amendments to the General Assistance Ordinance regarding eligibility.
13. Public Hearing and First Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance regarding Tobacco Use Prohibited in Designated Hospital Areas.
14. Public Hearing and First Passage on amendments to the Traffic and Vehicles Ordinance regarding the establishment of an Excise Tax Exemption for Maine Residents on Active Military Duty stationed outside of Maine.
15. Condemnation Hearing for the building located at 15 Lincoln Drive.
- +16. Condemnation Hearing for the building located at 231 Lincoln Street.
17. Resolve Adopting Proposed Amendments to the City's Public Participation Plan for the Community Development Block Grant Program.
18. Resolve Reallocating \$394,500 of CDBG Program Income from the Commercial Revolving Loan Fund to other CDBG Eligible Projects.
19. Order Approving the HOME Agreement for The Hartley Block and authorizing the City Administrator to execute the same.
20. Update from the Lewiston School Committee Representative.
21. Reports and Updates.
22. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 238 Lisbon Street.

INFORMATION:

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and most recently stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien as you have done in the past. If the lien is permitted to mature, the municipality may elect to foreclose on the property or, if subsequent payment is received, return the property to its owner via a quitclaim deed.

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 238 Lisbon Street. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payments due for this property have all been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 238 Lisbon Street.



CITY OF LEWISTON, MAINE

November 21, 2017

COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 238 Lisbon Street.

WHEREAS, the owners, William Maselli and Adam Baroudi, failed to pay their bills on a timely basis for 238 Lisbon Street (Tax Map 208, Lot 99, Parcel 00-006105); and

WHEREAS, a storm water lien was filed on December 6, 2013 (Book 8830 Page 214) and matured on June 6, 2015 in the amount of \$104.78; and

WHEREAS, a storm water lien was filed on December 28, 2015 (Book 9282 Page 106) and matured on June 28, 2017 in the amount of \$92.52; and

WHEREAS, a storm water lien was filed on April 5, 2016 (Book 9337 Page 165) and matured on October 5, 2017 in the amount of \$92.86; and

WHEREAS, payment has been received in full;

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

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 238 Lisbon Street to the owner.

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 1056 Sabattus Street.

INFORMATION:

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and most recently stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien as you have done in the past. If the lien is permitted to mature, the municipality may elect to foreclose on the property or, if subsequent payment is received, return the property to its owner via a quitclaim deed.

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 1056 Sabattus Street. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payments due for this property have all been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/11/11/17

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 1056 Sabattus Street.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 1056 Sabattus Street.

WHEREAS, the owners, Richard A. Taylor and Edward Nasta, failed to pay their bills on a timely basis for 1056 Sabattus Street (Tax Map 62, Lot 28, Parcel 00-004830); and

WHEREAS, a tax lien was filed on June 17, 2011 (Book 8181 Page 334) and matured on December 17, 2012 in the amount of \$3,225.91; and

WHEREAS, a tax lien was filed on June 13, 2012 (Book 8418 Page 87) and matured on December 13, 2013 in the amount of \$3,259.32; and

WHEREAS, a tax lien was filed on June 19, 2013 (Book 8700 Page 168) and matured on December 19, 2014 in the amount of \$3,254.97; and

WHEREAS, a tax lien was filed on June 18, 2014 (Book 8935 Page 88) and matured on December 18, 2015 in the amount of \$3,339.30 and

WHEREAS, a tax lien was filed on June 23, 2015 (Book 9165 Page 220) and matured on December 23, 2016 in the amount of \$3,364.96; and

WHEREAS, payment has been received in full;

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

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 1056 Sabattus Street to the owner.

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 30 Scribner Circle.

INFORMATION:

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and most recently stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien as you have done in the past. If the lien is permitted to mature, the municipality may elect to foreclose on the property or, if subsequent payment is received, return the property to its owner via a quitclaim deed.

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 30 Scribner Circle. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payments due for this property have all been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 30 Scribner Circle.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 30 Scribner Circle.

WHEREAS, the owners, Scott L. and Bonnie Moore, failed to pay their bills on a timely basis for 30 Scribner Circle (Tax Map 150, Lot 427, Parcel 00-005402); and

WHEREAS, a storm water lien was filed on December 28, 2015 (Book 9282 Page 202) and matured on June 28, 2017 in the amount of \$92.15; and

WHEREAS, a water lien was filed on December 28, 2015 (Book 9282 Page 248) and matured on June 28, 2017 in the amount of \$394.66; and

WHEREAS, a sewer lien was filed on December 28, 2015 (Book 9282 Page 211) and matured on June 28, 2017 in the amount of \$197.35; and

WHEREAS, payment has been received in full;

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

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 30 Scribner Circle to the owner.

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Approval of the Election Warrant calling for a Special Municipal Election to be held on Tuesday, December 12, 2017 for the Special Mayoral Run-Off Election and Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct said election.

INFORMATION:

The City held the 2017 regular municipal election on November 7 to elect the municipal officers. Section 7.06 of the City Charter requires that the Mayor be elected by a majority of the votes cast. Five candidates ran for Mayor yet none received a majority of the vote. The Charter requires that a special Mayoral Run-Off election be held between the two candidates who received the highest number of votes, and the election must be held within 45 days of the original vote.

For this agenda item, the Council is asked to approve the warrant calling for the special election, set the hours of voter registration in accordance with state law, set the times for processing absentee ballots per the City Clerk's recommendations, and appoint the City Clerk as the Election Warden for this special election.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EARB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, December 12, 2017 for the purpose of voting for The Office of Mayor and to approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Election :

- A. That the hours for acceptance of registrations in person only, prior to the Dec. 12th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, Nov. 21 through Dec. 11, 2017.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 9:00am, 7:00pm and any and all remaining shall be processed at 8:00pm, if necessary.
- D. To appoint the City Clerk as the City's Election Warden and the Deputy Registrar of Voters as the City's Ward Clerk, for the Dec. 12 election.

WARRANT FOR SPECIAL MUNICIPAL ELECTION
CITY OF LEWISTON
SPECIAL MAYORAL RUN-OFF ELECTION
DECEMBER 12, 2017

County of Androscoggin, SS.

To Brian O'Malley, a constable of Lewiston, Maine: You are hereby required in the name of the State of Maine to notify the voters of the City of Lewiston of the election described in this warrant:

To all voters of the City of Lewiston: You are hereby notified that a Special Municipal Election in this municipality will be held on Tuesday, December 12, 2017, at the citywide, central voting place:

Longley Elementary School, 145 Birch Street

Said election being held for the purpose of conducting a run-off election for the Office of Mayor.

The polls shall be opened at 7:00 a.m. and closed at 8:00 p.m.. Absentee ballots will be processed at the polling place at 9:00 a.m, 7:00 p.m., and any and all remaining at 8:00 p.m., if necessary.

Dated at Lewiston, Maine on November 21, 2017.

_____	_____
_____	_____
_____	_____
_____	_____

ATTEST: _____
Kathleen M. Montejo, MMC
City Clerk

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Order Authorizing the Director of Social Services to enter into Agreements with various organizations for the placement of Workfare Clients.

INFORMATION:

Many General Assistance clients are required to perform workfare service in return for the benefits they receive from the City. While a number of these individuals are placed within various City Departments, the number of such clients often exceeds the City's internal demand. Under state regulations, we are allowed to also place clients in workfare positions with non-profit organizations so long as their placement does not displace regular employees. When such placements are made, they are done under an agreement between the City and the organization.

The existing agreement has been used for many years and Social Services Director Sue Charron has recently updated that agreement, particularly in regard to insurance and indemnification requirements. The revised agreement has been reviewed by the City Attorney.

The attached order would authorize Social Services to enter into such agreements for the placement of workfare clients. Note that the order to provide the Social Services Director with some flexibility to adjust the insurance requirements based on the number of workfare clients placed and the financial circumstances of the organization. We believe this is appropriate to allow us flexibility to place clients in smaller social service organizations.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To approve the Order authorizing the Director of Social Services to enter into Agreements with various organizations for the placement of Workfare Clients.



COUNCIL ORDER

Order, Authorizing the Director of Social Services to Enter into Agreements with Various Organizations for the Placement of Workfare Clients.

Whereas, the City's General Assistance ordinance requires certain able-bodied recipients of General Assistance to fulfill work requirements; and

Whereas, the City's General Assistance ordinance allows recipients to fulfill workfare by working for the City or other non-profits contracted by the City who agree to participate in the City's work program; and

Whereas, the City does not have enough work for all workfare participants and wishes to enhance the work opportunities for recipients of General Assistance; and

Whereas, the current agreement between the City and such agencies has been reviewed and updated to clarify certain requirements, particularly in regard to insurance and indemnifications;

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

The Social Services Director is hereby authorized to execute agreements, in a form substantially as attached, with various non-profit agencies for the placement of workfare clients with the additional authorization that the Director may, at her sole discretion, reduce the required insurance limits based on the number of workfare clients assigned and the financial situation of the non-profit organization.



**AGREEMENT BETWEEN
CITY OF LEWISTON
AND**

AGENCY: _____

Agreement made this ___ day of _____ 20___ by and between the **City of Lewiston, Maine**, (hereinafter **City**) and _____, (hereinafter **Organization**), a Maine non-profit with a place of business at _____, a corporation organized and conducted under the laws of Maine pursuant to Title 22 M.R.S.A. 4316 A(2), witnesseth:

WHEREAS, the City's General Assistance ordinance requires certain able-bodied recipients of General Assistance to fulfill work requirements (hereinafter "workfare");

WHEREAS, the City's General Assistance ordinance allows recipients to fulfill workfare by working for the City or other non-profits contracted by the City who agree to participate in the City's work program;

WHEREAS, the City does not have enough work for all workfare participants and wishes to enhance the work opportunities for recipients of General Assistance; and

WHEREAS, **Organization** has work opportunities available for workfare participants; and

NOW WHEREFORE, the City and **Organization** agree as follows:

1. **SERVICES**

Organization will find Workfare positions within its organization.

In exchange for work performed by the workfare participants, **Organization**:

- agrees that it will not replace regular employees with workfare participants
- agrees to provide training for workfare participants to ensure that work is being performed safely;
- agrees to assign participants to perform only work for which they are physically and mentally fit;
- agrees to provide supervision to workfare participants;
- agrees to provide appropriate safety equipment and work-related gloves, safety glasses, etc. as needed;

- agrees to provide documentation to the City indicating the number of hours worked each day which will be credited as fulfilling the work requirement for the General Assistance Program;
- agrees to permit General Assistance staff to conduct on-site inspections of the organizations work area;
- agrees to testify at the request of the General Assistance administrator at client fair hearings related to workfare performance and hours performed;
- agrees to provide reports, when requested, pertaining to the work performance of the participants;
- agrees to maintain the confidentiality of all workfare participants; and
- agrees to complete and submit incident reports to the General Assistance administrator in the event of any injuries to the workfare recipient, or any incident of injury or property damage to a third party in which the workfare participant had some involvement.

2. INDEMNIFICATION

To the fullest extent permitted by law, **Organization** shall defend, indemnify and hold harmless the **CITY**, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including, but not limited to, the costs of defense, including attorneys' fees arising out of or resulting from the performance of this Agreement, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use therefrom, and (2) is caused in whole or in part by any negligent act or omission of **Organization**, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Such obligation of indemnification shall not be construed to negate or abridge any other obligation of indemnification running to the **CITY** which otherwise exists. The extent of the indemnification provision shall not be limited by the provision for insurance in this Agreement.

Notwithstanding the foregoing, **Organization** shall not be legally liable for the consequences, whether bodily injury or property damage, occasioned by an act, omission, or neglect chargeable to the **CITY**. Where Worker's Compensation or other obligation for payment of benefits may arise, this Agreement shall neither enlarge nor diminish such obligation.

3. INSURANCE

Throughout the term of this Agreement, **Organization** shall procure and maintain General Liability Insurance with minimum combined limits of \$1,000,000 for each occurrence.

INSURANCE:

Throughout the term of this Agreement, if **Organization** provides transportation to workfare participants, **Organization** shall procure and maintain Automotive

Liability Insurance coverage with minimum combined limits of \$1,000,000 for each occurrence.

The Organization shall furnish proof of coverage with adequate insurance of the types and to the limits specified naming the City of Lewiston as additional insured. Certificate of such insurance shall be filed with the Director of Social Services by

(Date)

CLAIMS:

The City of Lewiston will not be held responsible for any damages or injuries arising out of any activity for the City. Any related claim will be referred to the Organization. The contractor may wish to make personal restoration within a reasonable amount of time at the property owner's satisfaction or process a claim with their insurance carrier.

WORKERS' COMPENSATION:

Workers' Compensation, coverage with Statutory Limits and Employers Liability for all employees with limits of \$1,000,000 per incident; and in case any work is sublet, the Contractor shall require the sub-contractor similarly to provide coverage for the latter's employees unless such employees are covered by the protection afforded the Organization.

4. **NO ASSIGNMENT.**

This Agreement is one for services and the core responsibilities of **Organization** may not be assigned, transferred, conveyed, or otherwise disposed of, nor may **Organization** transfer or convey its right, title or interest herein or its power to execute such contract to any other person or corporation without the previous consent in writing, of the **CITY**.

5. **TERMINATION.**

The **CITY** or **Organization** may terminate this Agreement for cause immediately upon written notice to the other of such termination.

The **CITY** may terminate this Agreement for its convenience, and in its sole discretion, upon thirty (30) days' prior written notice to **Organization**.

6. **COMPLIANCE WITH LAW**

Organization agrees that in performance of its services hereunder, it shall comply with all applicable federal, state and local law and regulation, including without limitation, all laws and regulations prohibiting discrimination in employment.

7. EXTENT OF AGREEMENT.

This Agreement, with its attachments, represents the entire and integrated agreement between the **CITY** and **Organization** and supersedes and replaces all terms and conditions of any prior agreements, arrangements, negotiations, or representations, written or oral with respect to this Agreement. This Agreement may only be modified by written agreement of the parties.

WITNESS:

CITY OF LEWISTON

By:

SOCIAL SERVICES DIRECTOR

WITNESS:

ORGANIZATION

By:

AUTHORIZED SIGNATURE AND TITLE

NOVEMBER 2017

LEWISTON CITY COUNCIL
MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Order Authorizing the Acceptance of Gendron Drive as a City Street.

INFORMATION:

The Public Works Department is recommending the acceptance of Gendron Drive as a city street. This road meets all design, width and construction standards as required by City Code. The Public Works Department has approved the legal description for this road layout. Attached is a map along with additional information on this item.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/BK/mm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the Order authorizing the Acceptance of Gendron Drive as a City Street.



COUNCIL ORDER

Order, Authorizing Acceptance of Gendron Drive as a City Street.

WHEREAS, Gendron Drive was designed and constructed under a Joint Development Agreement between the City of Lewiston and Gendron & Gendron, Inc.; and

WHEREAS, Gendron & Gendron has submitted a formal request for the City to accept Gendron Drive as a City street and provided a Quitclaim Deed, Transfer Tax Declaration, legal description, and a sketch; and

WHEREAS, the City Engineer has affirmed the street has been constructed to meet all requirements to allow street acceptance and recommends Gendron Drive be accepted as a City Street;

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

That Gendron Drive, as described in the attached legal description and sketch, is accepted as a City street. The City Administrator is authorized to execute any/all documents to complete the transfer of the property to the City.



PUBLIC WORKS DEPARTMENT

David A. Jones, P.E., Director

DATE: November 6, 2017

TO: Edward A. Barrett, City Administrator
FROM: David A. Jones, P.E., Director
SUBJECT: Acceptance of Gendron Drive

The Department of Public Works is recommending the proposed Gendron Drive be accepted as a City Street from the terminus of Gendron Drive to Dead End, approximately twenty seven hundred (2700) feet in a Southeasterly and Northeasterly direction, including a proposed permanent turnaround.

The Department of Public Works has coordinated with the Developer to insure awareness of construction and acceptance requirements, conformance to City standards for street construction, and conformance to City Codes for street acceptance.

Attached is a map showing the general location of the street, a written and electronic legal description of the street, a Quit Claim Deed to the City for the street, and a Real Estate Transfer Tax form.

If you have questions, please contact me or Richard C. Burnham, City Engineer.

Cc: Richard Burnham

encs.

**GENDRON AGGREGATE SUPPLY, INC.
F/K/A GENDRON & GENDRON, INC.
P.O. Box 1915
Lewiston, ME 04241-1915**

November 1, 2017

Mr. David Jones, P.E., Director
Department of Public Works
City of Lewiston
103 Adams Avenue
Lewiston, ME 04240-0479

Re: Gendron Drive

Dear Mr. Jones:

Please accept this letter as a formal request for the City of Lewiston to accept Gendron Drive as a City street. I have enclosed a draft Quitclaim Deed with Covenant, Transfer Tax Declaration, legal description, and sketch.

Please incorporate this into the City Council meeting to be held on November 21, 2017 for approval.

Thank you for your attention to these matters. Should you have any questions, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Gendron', with a stylized flourish at the end.

David M. Gendron

Enclosures

QUITCLAIM DEED WITH COVENANT

Gendron Aggregate Supply, Inc. f/k/a Gendron & Gendron, Inc., a Maine Corporation with a mailing address at P.O. Box 1915, Lewiston, Maine 04241-11915, grants to **City of Lewiston**, a body corporate and politic with a mailing address at 27 Pine Street, Lewiston, Maine 04240, with **Quitclaim Covenant**, a certain lot or parcel of land, together with any buildings situated thereon, located in **Lewiston**, County of **Androscoggin**, and State of **Maine**, as more fully described in Exhibit "A" attached hereto and made a part hereof.

In Witness Whereof, the undersigned has hereunto set its hand effective this ___ day of November, 2017.

Witness:

**Gendron Aggregate Supply, Inc. f/k/a
Gendron & Gendron, Inc.**

By: _____
David M. Gendron, President

STATE OF MAINE
ANDROSCOGGIN, SS

June 1, 2017

Personally appeared the above-named **David M. Gendron**, in his capacity as President of **Gendron Aggregate Supply, Inc. f/k/a Gendron & Gendron, Inc.**, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said entity.

Before me,

Notary Public/Attorney at Law
Print Name: _____
My Commission Expires: _____

EXHIBIT A

Beginning at a point on the Easterly most Right-of-Way of Alfred A. Plourde Parkway A.K.A. (A.A.P.PW), said point marking the intersection of the Easterly most Right-of-Way of said A.A.P.PW. and the Southerly most Right-of-Way of Gendron Drive; thence in a Northerly direction along the chord of a portion of a certain curve in the Easterly most Right-of-Way of said A.A.P.PW, said curve in the Easterly most Right-of-Way of said A.A.P.PW having a radius of four hundred twelve and fifty hundredths (412.50) feet and a length of one hundred twenty-five and ten hundredths (125.10) feet, by a bearing along said chord of North seven degrees, one minute, ten seconds East (N007⁰-01'-10"E), a distance of one hundred twenty-four and sixty-two hundredths (124.62) feet to a point, said point marking the point of tangency in the Easterly most Right-of-Way of said A.A.P.PW., thence; in a Northerly direction along the said Easterly most Right-of-Way of said A.A.P.PW., by a bearing of North one degree, forty minutes, eight seconds West (N001⁰-40'-08"W), a distance of thirty-five and sixty hundredths (35.60) feet to a point, said point marking the intersection of the Easterly most Right-of-Way of A.A.P.PW and a certain non-tangent curve to the left in the Northerly most Right-of-Way of said Gendron Drive, thence; in a Easterly direction along the chord of said non-tangent curve, said non-tangent curve to the left having a radius of fifty and zero hundredths (50.00) feet and a length of curve of seventy-two and twenty-one hundredths (72.21) feet, said chord of said non-tangent curve to the left having a bearing of South forty-three degrees, two minutes, twenty-three seconds East (S043⁰-02'-23"E), a distance of sixty-six and nine hundredths (66.09) feet to the point of tangency in the Northerly most Right-of-Way of said Gendron Drive, thence; in a Easterly direction, along the Northerly most Right-of-Way of said Gendron Drive, by a bearing of South eighty-four degrees, twenty-four minutes, thirty-eight seconds East (S084⁰-24'-38"E), a distance of eighty-one and seventy-nine hundredths (81.79) feet to a point, said point marking the point of curvature in the Northerly most Right-of-Way of said Gendron Drive, thence; along said tangent curve to the right in the Northerly most Right-of-Way of said Gendron Drive, said curve having a radius of six hundred thirty-seven and fifty hundredths (637.50) feet, a distance of four hundred eighty and thirty-three hundredths (480.33) feet to a point, said point marking the point of tangency in the Northerly most Right-of-Way of said Gendron Drive, thence; in a Southerly direction, along said Northerly most Right-of-Way of said Gendron Drive by a bearing of South forty-one degrees, fourteen minutes, twenty-seven seconds East (S041⁰-14'-27"E), a distance of one hundred forty-nine and ninety-nine hundredths (149.99) feet to a point, said point marking the point of curvature to the left in the Northerly most Right-of-Way of said Gendron Drive, thence; in a Southerly direction along said tangent curve to the left, said curve to the left having a radius of five hundred sixty-two and fifty hundredths (562.50) feet, a distance of one hundred forty-four and fifty-nine hundredths (144.59) feet, to a point, said point marking the point of tangency in the Northerly most Right-of-Way of said Gendron Drive, thence; in a Southerly direction, along the said Northerly most Right-of-Way of said Gendron Drive, by a bearing of South fifty-five degrees, fifty-eight minutes, six seconds East (S055⁰-58'-06"E), a distance of four hundred eighty-seven and seventy-five hundredths (487.75) feet to a point, said point marking the point of curvature to the left in the Northerly most Right-of-Way of said Gendron Drive, thence; in a Southeasterly, Easterly and Northeasterly direction along said curve to the left in the Northerly most Right-of-Way of said Gendron Drive, said curve to the left having a radius of six hundred and zero

hundredths (600.00) feet, a distance of six hundred eighty-seven and eighty-eight hundredths (687.88) feet to a point, said point marking the point of reversing curve to the right in the Northerly most Right-of-Way of said Gendron Drive, thence; in a Northerly, Northeasterly and Easterly direction along said curve to the right, said curve to the right having a radius of two thousand forty-three and seventy-six hundredths (2,043.76) feet, a distance of one thousand seven and seventy-seven hundredths (1,007.77) feet to a point, said point marking the point of reversing curve to the left in the Northerly most Right-of-Way of said Gendron Drive, thence; along the said curve to the left, in a Northeasterly and Easterly direction, said curve to the left having a radius of seven hundred eight and eighty-eight hundredths (708.88) feet, a distance of five hundred eighty-three and thirty-two hundredths (583.32) feet to a point, said point marking the point of tangency in the Northerly most Right-of-Way of said Gendron Drive, thence; in a Northerly direction, along the Northerly most Right-of-Way of said Gendron Drive, by a bearing of North thirty-nine degrees, twenty-six minutes, fifty-six seconds East (N039⁰-26'-56"E), a distance of seventy-five and zero hundredths (75.00) feet to a point, said point marking the point of curvature to the left in the Northerly most Right-of-Way of said Gendron Drive, thence; in a Northerly direction along said curve to the left, said curve to the left having a radius of nine hundred sixty-two and fifty hundredths (962.50) feet, a distance of seventy and ten hundredths (70.10) feet to a point, said point marking the intersection of the Northerly most Right-of-Way of said Gendron Drive and the Easterly most terminus of said Gendron Drive, thence; in a Southerly direction, along the Easterly most terminus of said Gendron Drive, by a bearing of South fifty-four degrees, forty-three minutes, twenty-six seconds East (S054⁰-43'-26"E), a distance of seventy-five and zero hundredths (75.00) feet to a point, said point marking the intersection of the Easterly most terminus of said Gendron Drive and a non-tangent curve to the right in the Southerly most Right-of-Way of said Gendron Drive, thence; in a Southerly direction, along the chord of said curve to the right, said curve to the right having a radius of one thousand thirty-seven and fifty hundredths (1,037.50) feet, and a length of curve of seventy-five and fifty-six hundredths (75.56) feet, said chord of said curve having a bearing of South thirty-seven degrees, twenty-one minutes, forty-five seconds West (S037⁰-21'-45"W), a distance of seventy-five and fifty-four hundredths (75.54) feet to a point, said point marking the intersection of the Southerly most Right-of-Way of said Gendron Drive and Easterly most Right-of-Way of a hammer head turn around in the Southerly most Right-of-Way of said Gendron Drive, thence; in a Southerly direction, along the Easterly most Right-of-Way of said hammer head turn around in the Southerly most Right-of-Way of said Gendron Drive, by a bearing of South fifty degrees, thirty-three minutes, nine seconds East (S050⁰-33'-09"E), a distance of seventy-five and zero hundredths (75.00) feet to a point, said point marking the intersection of the Easterly most Right-of-Way of said hammer head turn around and the Southerly most Right-of-Way of said hammer head turn around, thence; in a Southerly direction along the Southerly most Right-of-Way of said hammer head turn around, by a bearing of South thirty-nine degrees, twenty-six minutes, fifty-one seconds West (S39⁰-26'-51"W), a distance of seventy-five and zero hundredths (75.00) feet to a point, said point marking the intersection of the Southerly most Right-of-Way of said hammer head turn around and the Westerly most Right-of-Way of said hammer head turn around, thence; in a Northerly direction along the Westerly most Right-of-Way of said hammer head turn around, by a bearing of North fifty degrees, thirty-three minutes, nine seconds West (N050⁰-33'-09"W), a distance of seventy-five and zero hundredths (75.00) feet to a point, said point marking the intersection of the Westerly most Right-of-Way of said hammer head turn

around and a non-tangent curve to the right in the Southerly most Right-of-Way of said Gendron Drive, thence; in a Southerly direction along the chord of the said non-tangent curve to the right in the Southerly most Right-of-Way of said Gendron Drive, said non-tangent curve to the right having a radius of seven hundred eighty-three and eighty-eight hundredths (783.88) feet and a length of curve of six hundred forty-five and three hundredths (645.03) feet, said chord of said non-tangent curve to the right having a bearing of South sixty-three degrees, one minute, twenty seconds West ($S063^{\circ}-01'-20''W$), a distance of six hundred twenty-six and ninety-eight hundredths (626.98) feet to a point, said point marking the point of reversing curve to the left in the Southerly most Right-of-Way of said Gendron Drive, said reversing curve to the left having a radius of one thousand nine hundred sixty-eight and seventy-six hundredths (1,968.76) feet, a distance of nine hundred seventy and seventy-eight hundredths (970.78) feet to a point, said point marking the point of reversing curve to the right in the Southerly most Right-of-Way of said Gendron Drive, thence; in a Southwesterly, Westerly and Westerly direction along said reversing curve to the right, said reversing curve to the right having a radius of six hundred seventy-five and zero hundredths (675.00) feet, a distance of seven hundred seventy-three and eighty-seven hundredths (773.87) feet to a point, said point marking the point of tangency in the Southerly most Right-of-Way of said Gendron Drive, thence; in a Northerly direction along the Southerly most Right-of-Way of said Gendron Drive, by a bearing of North fifty-five degrees, fifty-eight minutes, six seconds West ($N055^{\circ}-58'-06''W$), a distance of four hundred eighty-seven and seventy-five hundredths (487.75) feet to a point, said point marking the point of curvature of a curve to the right in the Southerly most Right-of-Way of said Gendron Drive, thence; in a Northwesterly direction along said curve to the right, said curve to the right having a radius of six hundred thirty-seven and fifty hundredths (637.50) feet, a distance of one hundred sixty-three and eighty-seven hundredths (163.87) feet to a point, said point marking the point of tangency in the Southerly most Right-of-Way of said Gendron Drive, thence; in a Northerly direction, along the Southerly most Right-of-Way of said Gendron Drive, by a bearing of North forty-one degrees, fourteen minutes, twenty-seven seconds West ($N041^{\circ}-14'-27''W$), a distance of one hundred forty-nine and ninety-nine hundredths (149.99) feet to a point, said point marking the point of curvature to the left in the Southerly most Right-of-Way of said Gendron Drive, thence; in a Northerly, Northwesterly and Westerly direction along said curve to the left in the Southerly most Right-of-Way of said Gendron Drive, said curve to the left having a radius of five hundred sixty-two and fifty hundredths (562.50) feet, a distance of four hundred twenty-three and eighty-two hundredths (423.82) feet to a point, said point marking the point of tangency in the Southerly most Right-of-Way of said Gendron Drive, thence; in a Northerly direction, along the Southerly most Right-of-Way of said Gendron Drive, by a bearing of North eighty-four degrees, twenty-four minutes, thirty-eight seconds West ($N084^{\circ}-24'-38''W$), a distance of eighty and seventy-seven hundredths (80.77) feet to a point, said point marking the point of curvature of a curve to the left in the Southerly most Right-of-Way of said Gendron Drive, said curve to the left having a radius of fifty and zero hundredths (50.00) feet, thence; in a Northerly, Northwesterly, Westerly and Southwesterly direction along said curve to the left a distance of sixty-nine and seventy-one hundredths (69.71) feet to the point of beginning.

This conveyance is made together with all rights appurtenant thereto and all improvements situated therein or thereon including, without limitation, any and all storm water runoff systems, electrical, water, sewer, gas, or other utility infrastructure, bollasts, lampposts,

lights, and lighting facilities.

The above-described premises being more fully described as Gendron Drive f/k/a Discovery Drive as depicted, in part, on the Subdivision Plan of Plourde Business Park dated June, 2003 recorded in the Androscoggin County Registry of Deeds at Plan Book 43, Page 134, as amended pursuant to Subdivision Plan entitled "Lot 6-Gendron Business Park" dated March, 2005 recorded in the said Registry of Deeds at Plan Book 44, Page 89, and as the same may be further amended. Being part of the premises conveyed to Gendron & Gendron, Inc. by Warranty Deed from Rhea Marie Horner and Virginia Emily Martin dated January 11, 1996 recorded in the said Registry of Deeds at Book 3538, Page 80.



* 12RETTD*

RETTD

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**MAINE REVENUE SERVICES
REAL ESTATE TRANSFER TAX
DECLARATION**

TITLE 36, M.R.S.A. SECTIONS §§4641-4641N

1. County

ANDROSCOGGIN

2. Municipality/Township

LEWISTON

**3. GRANTEE/
PURCHASER**

3a) Name LAST or BUSINESS, FIRST, MI
CITY OF LEWISTON

3c) Name, LAST or BUSINESS, FIRST, MI

3e) Mailing Address
27 PINE STREET

3f) City
LEWISTON

BOOK/PAGE—REGISTRY USE ONLY

3b) SSN or Federal ID

3d) SSN or Federal ID

3g) State
ME 3h) Zip Code
04240

**4. GRANTOR/
SELLER**

4a) Name, LAST or BUSINESS, FIRST, MI
GENDRON AGGREGATE SUPPLY, INC.

4c) Name, LAST or BUSINESS, FIRST, MI
F/K/A GENDRON & GENDRON, INC.

4e) Mailing Address
PO BOX 1915

4f) City
LEWISTON

4b) SSN or Federal ID

01-031034

4d) SSN or Federal ID

4g) State
ME 4h) Zip Code
04241

5. PROPERTY

5a) Map Block Lot Sub-Lot

5b) Type of property—Enter the code number that best describes the property being sold. (See instructions)→

5c) Physical Location
GENDRON DRIVE F/K/A DISCOVERY

Check any that apply:

- No tax maps exist
- Multiple parcels
- Portion of parcel

5d) Acreage

6. TRANSFER TAX

6a) Purchase Price (If the transfer is a gift, enter "0") 6a 0.00

6b) Fair Market Value (enter a value only if you entered "0" in 6a) or if 6a) was of nominal value) 6b .00

6c) Exemption claim - Check the box if either grantor or grantee is claiming exemption from transfer tax and explain.

36 M.R.S.A. Sec. 4641-C(1) Deed to municipality.

7. DATE OF TRANSFER (MM-DD-YYYY)

8. WARNING TO BUYER—If the property is classified as Farmland, Open Space, Tree Growth, or Working Water-front a substantial financial penalty could be triggered by development, subdivision, partition or change in use.

MONTH DAY YEAR

CLASSIFIED

9. SPECIAL CIRCUMSTANCES—Were there any special circumstances in the transfer which suggest that the price paid was either more or less than its fair market value? If yes, check the box and explain:

10. INCOME TAX WITHHELD—Buyer(s) not required to withhold Maine income tax because:

- Seller has qualified as a Maine resident
- A waiver has been received from the State Tax Assessor
- Consideration for the property is less than \$50,000 Foreclosure Sale

11. OATH

Aware of penalties as set forth by Title 36 §4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete. Grantee(s) and Grantor(s) or their authorized agent(s) are required to sign below:

Grantee _____ Date _____ Grantor _____ Date _____
Grantee _____ Date _____ Grantor _____ Date _____

12. PREPARER

Name of Preparer Shawn K. Bell, Esq./The Bell Firm, P.A.

Phone Number 207-376-3330

Mailing Address PO Box 1776

E-Mail Address _____

Lewiston, ME 04241-1776

Fax Number 207-376-3326

LEWISTON CITY COUNCIL
MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing on a new application for a new liquor license for Jade Garden, 675 Main Street.

INFORMATION:

We have received an application for a new liquor license from Jade Garden, 675 Main 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.

EPAB/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 Jade Garden, 675 Main 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: X Yes No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: X MALT X VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input 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: Yan Qin, LLC			Business Name (D/B/A) Jade Garden		
APPLICANT(S) –(Sole Proprietor) Ren Qin Lin		DOB: 06/18/1979	Physical Location: 675 Main Street		
Yan Chen		DOB: 04/05/1981	City/Town Lewiston	State Maine	Zip Code 04240
Address 23 Main Street			Mailing Address 675 Main Street		
City/Town Freeport	State Maine	Zip Code 04032	City/Town Lewiston	State Maine	Zip Code 04240
Telephone Number (917)690-6886	Fax Number 783-1819	Business Telephone Number (207)783-1818		Fax Number 783-1819	
Federal I.D. # 82-3140211			Seller Certificate #: or Sales Tax #: Applied for		
Email Address: Please Print 12winni@gmail.com			Website:		

If business is NEW or under new ownership, indicate starting date: November 30, 2017

Requested inspection date: _____ Business hours: 11:00 a.m. to 9:00 p.m.

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
- Is applicant a corporation, limited liability company or limited partnership? YES X NO
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you own or have any interest in any another Maine Liquor License? Yes X No
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

 License # Name of Business (Use an additional sheet(s) if necessary.)

 Physical Location City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES NO
6. If manager is to be employed, give name: Yan Chen
7. Business records are located at: 675 Main Street, Lewiston, Maine
8. Is/are applicants(s) citizens of the United States? YES NO
9. Is/are applicant(s) residents of the State of Maine? YES NO
10. 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
Ren Qin Lin	06/18/1979	China
Yan Chan Chen	04/05/1981	China
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Freeport, Maine		

11. 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)
12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____
13. Has/have applicant(s) formerly held a Maine liquor license? YES NO
14. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: Marketplace Investment Group, LLC, 155 Center Street, Auburn, Maine 04210
15. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____
16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: _____
17. 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? School
18. 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 & 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, Maine on October 19, 2017
Town/City, State Date

Ren Qin Lin President
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Ren Qin Lin, President
Print Name

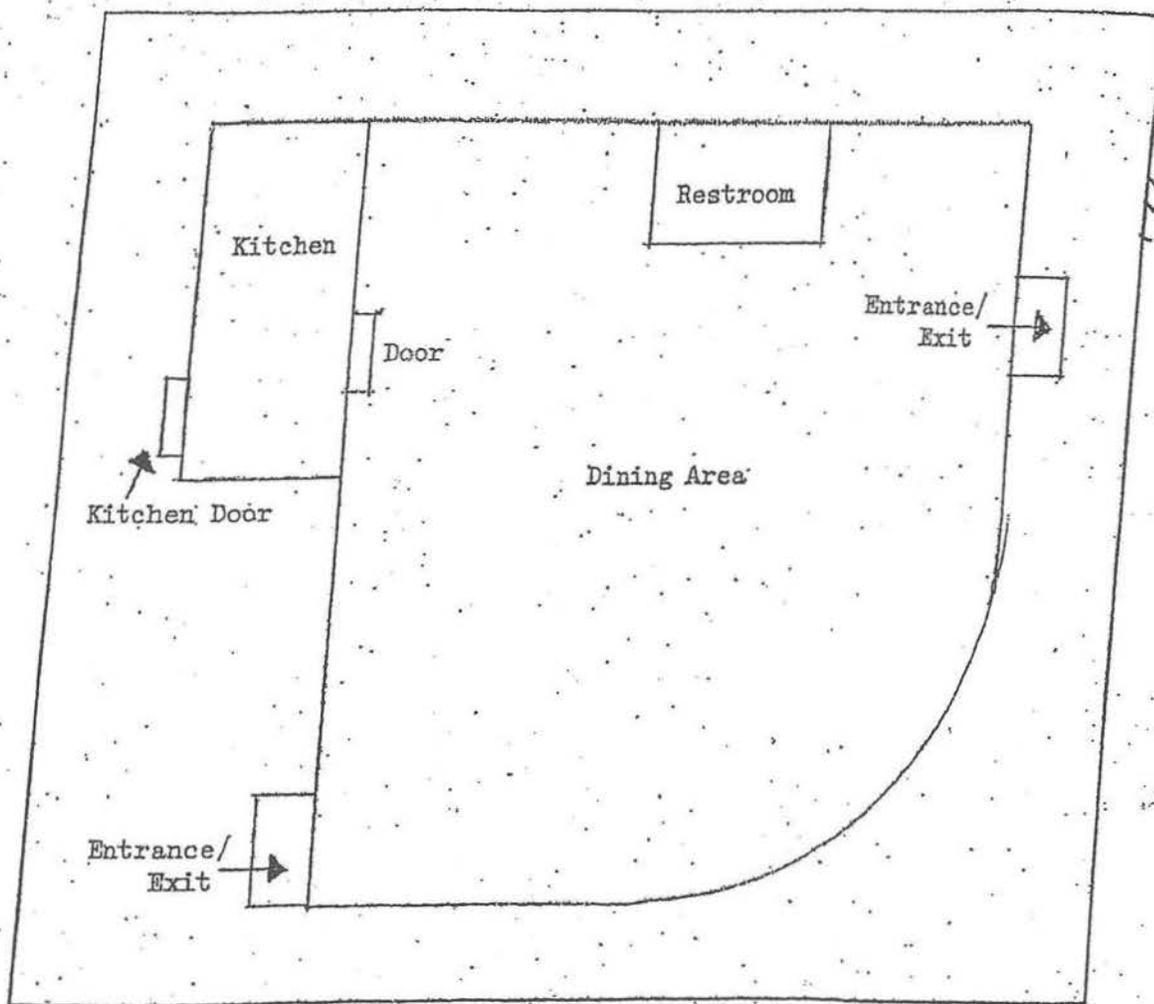
Print Name

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.**

PREMISE DIAGRAM





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.

- Exact legal name: Yan Qin, LLC
- Doing Business As, if any: Jade Garden
- Date of filing with Secretary of State: October 19, 2017 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- 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 %
Ren Qin Lin	Columbia, SC (3yr) Freeport, Maine (2 yr)	06/18/1979	President	50%
Yan Chan	Columbia, SC (3yr) Freeport, Maine (2yr)	04/05/1981	Treasurer	50%

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

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

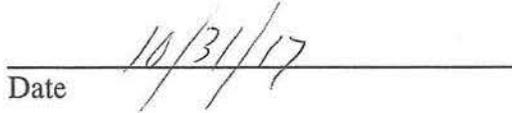
Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person


Date

Paul P. Murphy, Registered Agent
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



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: November 14, 2017

RE: Liquor License/Special Amusement Permit – **Jade Garden**

We have reviewed the Liquor License Application and have no objections to the following establishment:

Jade Garden
675 Main St., Lewiston, Maine
(New owners: Ren Qin Lin and Yan Chen)



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



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

CITY OF LEWISTON

PUBLIC NOTICE

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

Jade Garden
675 Main Street
Ren Qin Lin & Yan Chen, 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: November 15, 16 & 17, 2017

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

LEWISTON CITY COUNCIL
MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for LBK Events, 1 Bates Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from LBK Events, 1 Bates 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 LBK Events, 1 Bates Street.

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

Date of Application: 11/15/17

Expiration Date: 11-7-2018

- 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: LBK Events / Royal Oak Room Business Phone: 333-3242

Location Address: 1 Bates Street

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

Mailing Address: PO Box 2315 Lewiston 04241

Email address: lkibort@gmail.com

Contact Person: Laura Kibort Phone: 646-732-7374

Owner of Business: Robert Roy Jr. Date of Birth: 8-11-49

Address of Owner: PO Box 2315 Lewiston 04241

Manager of Establishment: Laura Kibort Date of Birth: 3-8-81

Owner of Premises (landlord): Robert Roy Jr

Address of Premises Owner: PO Box 2315 Lewiston 04241

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): Steel Service Center 1780 Lisbon St

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: _____

Corporation Mailing Address: _____

Contact Person: _____ Phone: _____

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? Approx 500 ft

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: Laura B Kibort Title: Event Director Date 11/15/17

Printed Name: Laura Kibort

Hearing Date: 11/21/17



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: October 3, 2017

RE: Liquor License/Special Amusement Permit – **LBK Events**

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

LBK Events

1 Bates St Lewiston, Maine



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 NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Fish Bones American Grill, 70 Lincoln Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Fish Bones American Grill, 70 Lincoln Street.

The Police Department has reviewed and approved the application.

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

The business owners have been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ETAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Fish Bones American Grill, 70 Lincoln Street.

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

Date of Application: 10/13/2017

Expiration Date: 11/17/2017

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
 Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
 Class D - \$150.00 - function halls with entertainment, including dancing
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

Renewal Applicants: Has any or all ownership changed in the 12 months? Yes No

****PLEASE PRINT****

Business Name: Fish Bones American Grill **Business Phone:** (207) 333-3663

Location Address: 70 Lincoln Street, Lewiston, ME 04240

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

Mailing Address: 70 Lincoln Street, Suite 1A, Lewiston, ME 04240

Email address: plandry@fishbonesag.com

Contact Person : Paul F. Landry **Phone:** (207) 576-2599

Owner of Business: Hospserv, Inc **Date of Birth:** 8/17/1962

Address of Owner: 340 East Road, Wales, ME 04280

Manager of Establishment: Paul F. Landry **Date of Birth:** 8/17/1962

Owner of Premises (landlord): Bates Mill Development Corp., 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): Fish Bones American Grill
70 Lincoln Street, Lewiston, ME 04240

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

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

Corporation Name: Hospserv, Inc.

Corporation Mailing Address: 340 East Road, Wales, ME 04280

Contact Person: Paul Landry Phone: (207) 576-2599

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 1/10 Mile

Please describe the type of proposed entertainment:

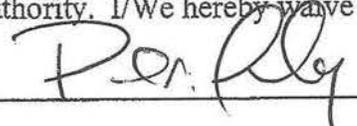
- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list _____
- other, please list _____

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

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

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

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

Signature:  Title: Vice Pres./Treasurer Date: 10/13/2017

Printed Name: Paul F. Landry

Hearing Date: 11-21-17



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: October 3, 2017

RE: Liquor License/Special Amusement Permit – **Fish Bones**

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

Fish Bones

Lincoln St. (Bates Mill), Lewiston, Maine



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 NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Public Hearing and Final Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance regarding Sex Offender Restricted Zones.

INFORMATION:

Note - Mayor and Council - Given the volume of background information and material regarding this item, not all of it was reproduced again for the November 21 agenda packet. Please reference the October 17 Council agenda packet to review those documents again, if interested.

The City recognizes that it has an obligation to protect the health, safety, and welfare of its children by prohibiting convicted sex offenders from residing in identified areas within the city with a significant concentration of children. The city also recognizes that sex offenders who prey upon children may have a high rate of re-offense. Notwithstanding that certain persons convicted of sex offenses or sexually violent offenses are required to register with the state, the City finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of the ordinance is to provide such further protective measures while balancing the interests and residential needs of offenders.

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 50 "Offenses and Miscellaneous Provisions", Article X . "Sex Offender Restricted Zone", receive final passage by a roll call vote.



COUNCIL ORDINANCE

Ordinance, Amending the Code of Ordinances by Adding Sections 50-280 through 50-285 – Sex Offender Restricted Zone

The City of Lewiston hereby ordains that

The following sections are hereby added to the Lewiston Code of Ordinances.

Article 11 Sex Offender Restricted Zone

Section 50-280: Purpose

The city of Lewiston recognizes that it has an obligation to protect the health, safety, and welfare of its children by prohibiting convicted sex offenders from residing in identified areas within the city where there is a significant concentration of children. The city recognizes that sex offenders who prey upon children may have a high rate of recidivism. Notwithstanding that certain persons convicted of sex offenses or sexually violent offenses are required to register with the state, the city finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of the ordinance is to provide such further protective measures, while balancing the interests and residential needs of sex offenders.

Section 50-281: Authority

This ordinance is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3014, as may be amended from time to time as outlined below.

Section 50-282: Definitions

- A) **Registered Sex Offender** – An individual convicted of a crime against a person under the age of 14 years and, as a result, is required to register pursuant to Title 34-A MRSA Chapter 15
- B) **Sex Offender Restricted Residing Zones** – The city has identified the areas of where significant concentrations of children exist under city ordinance 54-8 "Public drinking of alcoholic beverages prohibited." Also, city ordinance 54-9 "Designation of Drug-Free "Safe Zones" further identifies the locations listed in ordinance 54-8 as "Safe Zones."
- C) **Residence** – the temporary or permanent occupation or use of a place, including but not limited to a domicile, for the purpose of living, residing, or dwelling.

- D) **Domicile** - the status or attribution of being a permanent resident in a particular jurisdiction. A person can remain domiciled in a jurisdiction even after they have left it, if they have maintained sufficient links with that jurisdiction or have not displayed an intention to leave permanently
- E) **Premises** – shall mean the building structure and any accessory buildings attached to or detached from the primary structure, playground area, playing field, or courts
- F) **Radius** – distance shall be measured from the property line of the school, as defined above, closest to a registered sex offender’s residence

Section 50-283 Restrictions:

- A) Any person, who is a registered sex offender, as defined above, shall not reside within a 750 foot radius of the property line of a school, “safe zone”, or premise as defined above.

Section 50-284 Exceptions:

- A) A designated Sex Offender maintaining a residence within the radius from a school, “safe zone”, or premise as defined above is not in violation if the residence was established and consistently maintained as a residence prior to the date of passage of this ordinance.

A designated Sex Offender is not in violation of this ordinance if the school, “safe zone”, or premise as defined above is created, moved or enlarged which results in a designated Sex Offender residing within the radius of a school, “safe zone”, or premise as defined above as long as the residence was in place and consistently maintained prior thereto.

- B) A property owner leasing or renting a residence for use by a designated Sex Offender within the radius of a school, “safe zone”, or premise as defined above is not in violation if the residence was established and consistently maintained as a residence prior to the passage of this ordinance.

A property owner is not in violation of this ordinance if the school, “safe zone”, or premise as defined above is created, moved or enlarged which results in a designated Sex Offender residing within the radius of a school, “safe zone”, or premise as defined above as long as the residence was in place and consistently maintained prior thereto.

Section 50-285 Violation; injunctive relief and penalties:

- A) A designated Sex Offender who, thirty (30) days after written notice from the city of Lewiston, is in violation of Section 50-283(A) of this Ordinance shall be subject to an

action brought by the city of Lewiston in District Court or Superior Court to enforce the requirements of this Ordinance.

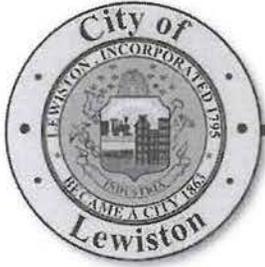
The city of Lewiston may seek a penalty in the minimum amount of \$500 per day, for each day of violation of Section 50-283(A) of this Ordinance after thirty (30) days.

In the event the city of Lewiston is the prevailing party in any action under this Ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the city of Lewiston

- B) Property Owners who, thirty (30) days after written notice from the city of Lewiston, leases or rents any residence to a designated Sex Offender within the radius of school, "safe zone", or premise as defined above shall be subject to an action brought by the city of Lewiston in District Court or Superior Court to enforce the requirements of this Ordinance.

The city of Lewiston may seek a penalty in the minimum amount of \$500 per day, for each day of violation of Section 50-283(A) of this Ordinance after thirty (30) days.

In the event the city of Lewiston is the prevailing party in any action under this Ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the city of Lewiston



EXECUTIVE

Edward A. Barrett, City Administrator
Denis D'Auteuil, Deputy City Administrator

October 13, 2017

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Sexual Offender Residency Limitations

On September 19th, the City Council reviewed the first reading of an ordinance proposed by the Police Department that would place certain residency restrictions on those who have been convicted of certain sexual offenses involving a minor under the age of 14 and who are required to register as a sex offender under Maine law. Such an ordinance is authorized under state law, Title 30-A Section 3014 (attached).

Under the proposed ordinance, any registered sex offender convicted of a crime against a person under the age of 14 would not be permitted to establish a new residence within a 750 foot radius of the property line of a school, "safe zone," or any structure or accessory buildings associated with a playground area, playing field, or recreational courts. Three maps showing the exclusion areas and residents potentially impacted are attached, one showing the location of all registered sex offenders in Lewiston, a second showing those that would be subject to the proposed ordinance restriction, and a third showing a closer view of our downtown residential area.

Reason for Proposed Ordinance

Residential restrictions on certain sex offenders are generally intended to protect children in the community by creating a buffer zone around locations where they might congregate such as schools and parks. Please see the attached summary of research relating to this topic.

In addition, we have seen a recent significant increase in the number of sex offenders locating in the City of Lewiston, many of whom with no prior connections to the community. Of the total number of offenders, 145 (79.7%) have no immediate ties to Lewiston.

Between December 11, 2016 and May 3, 2017:

- 66 additional offenders have located in Lewiston.
- Net of the 27 offenders who have apparently left the community, we have seen a 23.8% increase in total offenders from 147 to 182.
- Of these, 66 are registered for offenses against minors under 14

As a group, we have also found that sex offenders tend to be fairly mobile, with 45 changing their addresses during this time frame.

It appears that one of the driving forces in the recent increase in sex offenders locating in Lewiston may be the proliferation of communities adopting residential restriction ordinances. Cities including Bangor and Augusta have adopted such ordinances, and we have seen some individuals from those areas locate here. In February, Auburn adopted an ordinance and, to date, we believe several offenders have moved to Lewiston.

This increase is placing a burden on the Police Department. When sex offenders locate in Lewiston or when they change residences, our Community Policing Team is required to make the necessary notifications in the residence area. In addition, our detective assigned to sex related offenses is required to periodically monitor these individuals, and his workload is increasing allowing less time to work on other, active cases.

On a weekly basis, Detective Brochu holds between 10 and 20 appointments with offenders. These include:

- Initial meetings with offenders moving to Lewiston and related record keeping (60-90 minutes)
- Meeting with offenders who move within Lewiston (30-45 minutes)
- Appointments for quarterly or annual verifications (15-20 minutes)
- Voice messages/time spent making appointments (15-30 minutes per day)
-

Attached, please find additional information regarding Detective Brochu's workload.

Residential Limitation

Under the proposed ordinance, sex offenders who are required to register for offenses involving those under 14 would not be allowed to establish a residence within a 750 foot radius of a school or a safe zone. The City previously designated safe zones covering all public parks, playgrounds, and recreational facilities. Under that ordinance, anyone found to engage in drug dealing within 1,000 feet of a safe zone is subject to enhanced penalties under Maine State Law. Since these areas are generally frequented by children under 14, sometimes with limited supervision, using these safe zones as a basis for a residential limitation ordinance, along with schools, makes sense.

Assuming this ordinance is adopted, it would potentially impact 129 individuals convicted of an offense against someone 14 years old or younger who currently live in Lewiston. Of these 129 individuals, 35, or roughly 27%, now live in a prohibited zone and will be grandfathered for the time they maintain these residences. Of the 35 potentially affected offenders, only 12 are from Lewiston. This would indicate that the restricted areas are not so extensive as to make locating housing in Lewiston too difficult.

Issues Discussed at Workshop

During the workshop, a number of parties spoke against the ordinance citing a variety of reasons, including studies that have been performed relating to recidivism and residency. Among their comments were:

1. Over 90% of offenders know their victims. Residency restrictions are aimed at the less frequent occurrence of a victim not known by the offender. (Note that, while this may be true, a percentage of offenders do victimize youth who are not known by the offender and many offenses go unreported.)
2. Recidivism rates among offenders have been mischaracterized and are actually significantly lower than frequently stated. (Note: Recidivism rates found in studies have generally been between 8 and 15%. However, these studies generally cover periods limited to one to three years. In addition, such rates do not take into account offenses which go unsolved, so actual rates are likely to be higher.)
3. There is no evidence that sex offender residency restrictions work. Studies have shown little relationship between recidivism rates and residence location.

4. Such restrictions have the effect of driving sex offenders underground where they are not monitored or treated.
5. Residency restrictions provide a false sense of security to parents and the general public;
6. Residency restrictions make it more difficult for offenders to reintegrate into society. They may restrict an offender from living with family members where a more stable environment can be provided. (Note that the Council could consider amending the ordinance to allow restricted offenders to live with family members subject to approval of their probation officers or approval by judicial officials at the time of their release from incarceration.)
7. Residency restrictions are constitutionally suspect and may be deemed unconstitutional. (Note that while some state courts have found portions of specific laws unconstitutional under state constitutions, federal courts have generally upheld residency restrictions. In California, a San Diego County ordinance with a 2,000 foot restriction was thrown out because it left only 3% of multi-unit housing outside of restricted zones. In Michigan, a law was thrown out when it was deemed unconstitutionally vague. Carefully designed, it is likely restrictions would be acceptable under current case law. At the same time, it is clear that courts have begun to exercise stricter scrutiny over such laws and the legal landscape may change, particularly should federal courts change their views on such legislation.)

In summary, while there appears to be a number of unanswered questions in the research surrounding sexual offenders, it is clear that we have recently experienced an increase in the number of such offenders locating in Lewiston and that many of them have no ties to the local community. In addition to imposing a less than fully understood risk of reoffending on the community, the numbers we have seen are clearly imposing a burden on the Lewiston Police Department's required monitoring and community notification systems. It appears that at least a portion of this increase is the result of other service center communities such as Bangor, Augusta, and Auburn, adopting such ordinances.

It should also be noted that the ordinance as proposed is not draconian in that it leaves a significant area, including portions of our dense downtown neighborhood, open for residency to those who have offended against those who are 14 years old or younger. As such, it appears to provide a reasonable balance between community safety and the ability of offenders to find housing within the community.

PLEASE NOTE THAT COUNCILOR LYSEN HAS PROVIDED SOME ADDITIONAL INFORMATION THAT IS LISTED BELOW AND CAN BE FOUND TOWARD THE END OF THE ATTACHMENTS.

Attachments: MRSA Title 30-A Section 3014
Restricted Zone Maps (3)
Sexual Offender Registry and Maine's Criminal Classification System
Workload – Detective Assigned to Sex Offenders
General Probation Conditions for Sex offenders
Background Research Compiled by Police Department
FindLaw – Residency Restriction for Sex Offenders
Report to the Connecticut General Assembly – Sex Offender Residency
Restrictions
Letter from ACLU

Provided by Councilor Lysen:
Center for Sex Offender Management – Fact Sheet
Excerpt from Twenty Strategies for Advancing Sex Offender Management in your
Jurisdiction – Kansas Sex Offender Policy Board

Maine Revised Statutes

Title 30-A: MUNICIPALITIES AND COUNTIES

Part 2: MUNICIPALITIES

Subpart 4: ORDINANCE AUTHORITY AND LIMITATIONS

Chapter 141: ORDINANCES

§3014. Ordinances regarding residency restrictions for sex offenders

(REALLOCATED FROM TITLE 30-A, SECTION 3013)

1. **Application and scope.** The State intends to occupy and preempt the entire field of legislation concerning the regulation of persons convicted of a sex offense in this State or in another jurisdiction. Except as provided in this section, a municipality may not adopt or enforce any ordinance or bylaw addressing persons who have been convicted of a sex offense in this State or in another jurisdiction that would impose on them restrictions or requirements not imposed on other persons who have not been convicted of a sex offense in this State or in another jurisdiction. As used in this section, "convicted of a sex offense in this State or in another jurisdiction" means a conviction for any current or former Maine crime listed in former Title 17, sections 2922 to 2924 or Title 17-A, chapter 11 or 12 or Title 17-A, section 556; a conviction for an attempt or solicitation of those listed crimes; or any conviction for any former or current crime in any other jurisdiction in which the person engaged in substantially similar conduct to that of the earlier specified current or former Maine crimes.

[RR 2009, c. 1, §21 (RAL) .]

2. **Residency restriction ordinance.** A municipality may adopt an ordinance regarding residency restrictions for persons convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense. Any such ordinance is limited as follows.

A. An ordinance may restrict only residence. It may not impose additional restrictions or requirements, including, but not limited to, registration and fees. [RR 2009, c. 1, §21 (RAL).]

B. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 750 feet surrounding the real property comprising a municipally owned or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users.

[2013, c. 161, §1 (AMD).]

C. An ordinance may not restrict the residence of a person who lived in an area restricted pursuant to paragraph B prior to the adoption or amendment of the ordinance. [RR 2009, c. 1, §21 (RAL).]

D. An ordinance may not be premised on a person's obligation to register pursuant to Title 34-A, chapter 15. [RR 2009, c. 1, §21 (RAL).]

[2013, c. 161, §1 (AMD) .]

SECTION HISTORY

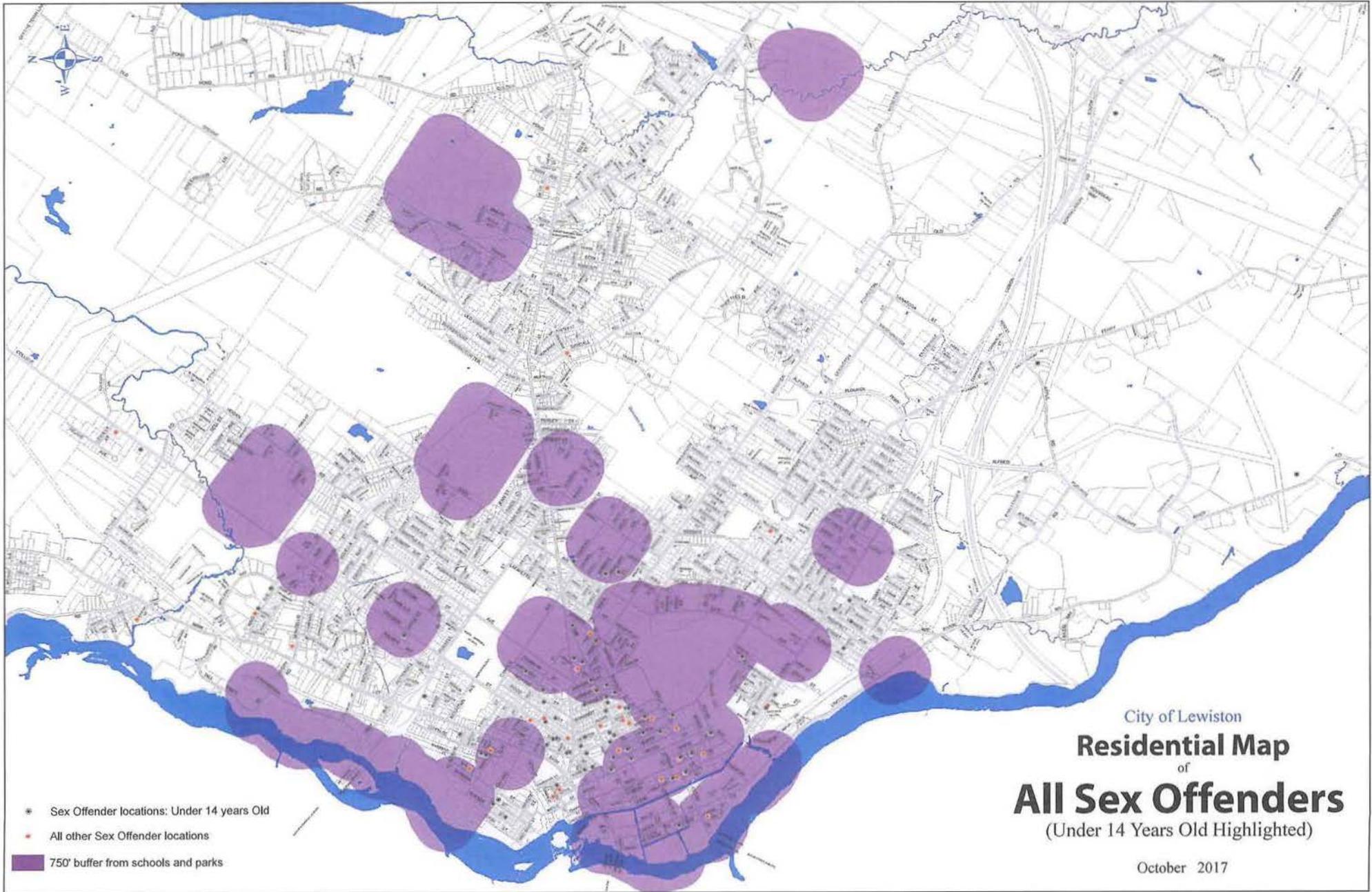
RR 2009, c. 1, §21 (RAL). 2013, c. 161, §1 (AMD).

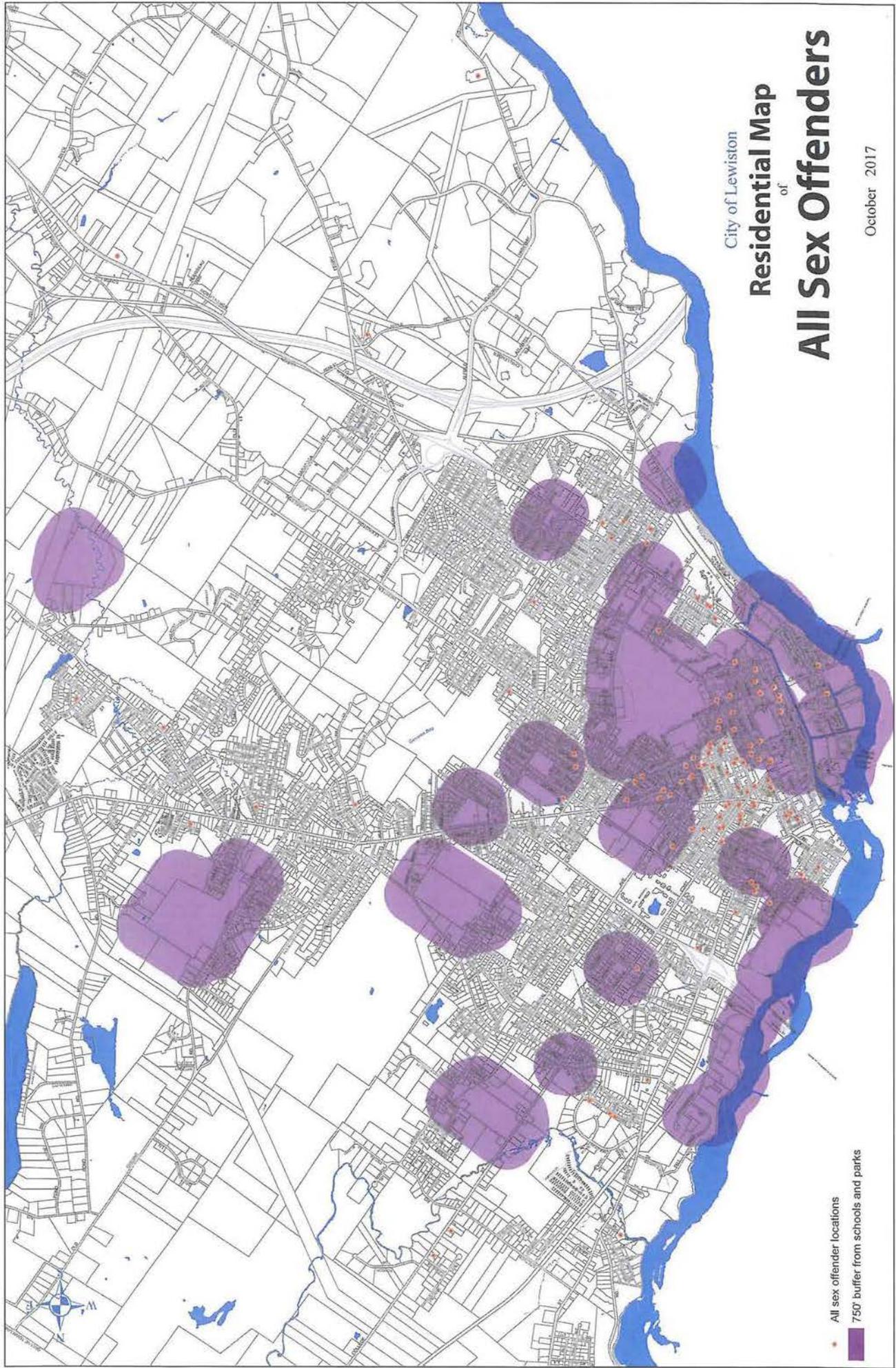
The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

[Office of the Revisor of Statutes \(mailto:webmaster_ros@legislature.maine.gov\)](mailto:webmaster_ros@legislature.maine.gov) • 7 State House Station • State House
Room 108 • Augusta, Maine 04333-0007

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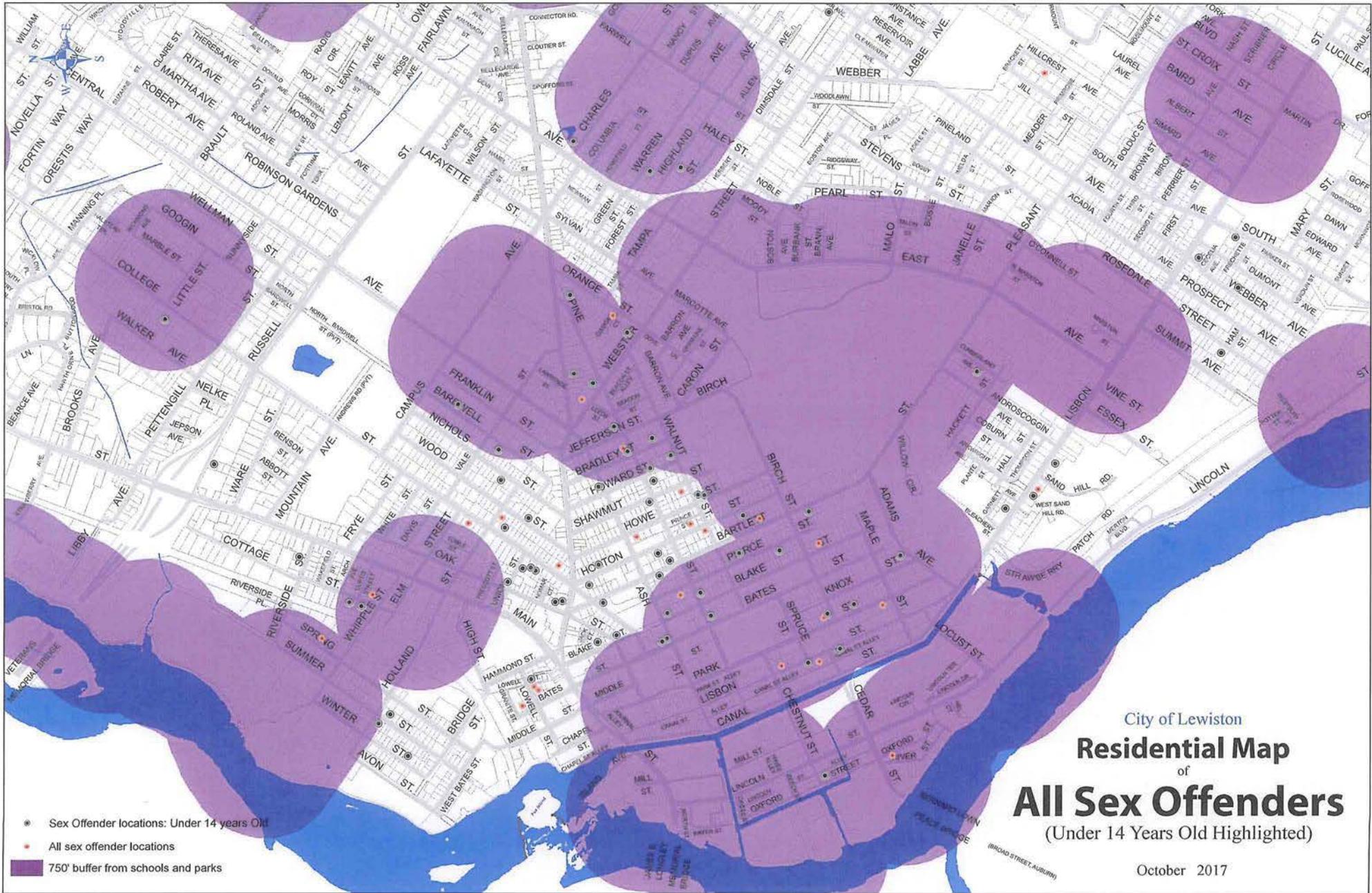




City of Lewiston
Residential Map
of
All Sex Offenders

October 2017

• All sex offender locations
■ 750' buffer from schools and parks



THE FOLLOWING INFORMATION HAS BEEN
PROVIDED BY
COUNCILOR LYSEN

This fact sheet highlights key issues related to sex offenses and the management of sex offenders who are under the control of the justice system. It is prepared for members of the public who want to know more about sexual assault, sex offenders, and the role that citizens can play in keeping their communities safe.

What Is Sexual Abuse?

Sexual abuse isⁱ:

- unwanted sexual contact between two or more adults or two or more minors;
- any sexual contact between an adult and a minor;
- any unwanted sexual contact initiated by a youth toward an adult; or
- sexual contact between two minors with a significant age difference between them.

Sex crimes can involve physical contact (e.g., unwanted sexual touching) or no physical contact (e.g., Internet crimes).

How Common Are Sex Crimes?

Sex crimes are unfortunately fairly common in the United States. It is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthoodⁱⁱ. One in six adult women and one in 33 adult men experience an attempted or completed sexual assaultⁱⁱⁱ.

How Many Arrests Occur for Sex Offenses?

Sex offenses represent under 1% of all arrests^{iv}. In 2004, the last year for which official report data were available, there were 26,066 arrests for forcible rape and 90,913 arrests for other sex offenses in the United States^v. Adults account for about 80% of arrests; juveniles for 20%^{vi}. Males account for approximately 95% of arrests^{vii}.

Are All Sex Crimes Reported?

Many victims do not report sexual abuse to authorities because they^{viii}:

- are afraid that their abuser will harm them again;
- do not want to make a very private matter public;
- are worried that they will be blamed for what happened or that they will not be believed;
- feel ashamed;
- feel guilty; and/or
- are embarrassed.

Established in June 1997, CSOM's goal is to enhance public safety by preventing further victimization through improving the management of adult and juvenile sex offenders who are in the community. A collaborative effort of the U.S. Department of Justice, Office of Justice Programs, the National Institute of Corrections, the State Justice Institute, and the American Probation and Parole Association, CSOM is administered by the Center for Effective Public Policy.



Fact Sheet: What You Need to Know About Sex Offenders

This means that there are both victims and offenders in the community who have not come to the attention of the authorities. Victims may continue to be in situations that put them at risk and/or are not getting the services they need, while offenders who can potentially be prevented from reoffending are not receiving the support they need to stop.

Who Are the Victims?

Anyone can be a victim of sexual assault, but women and girls are especially at risk. Females are more than six times as likely as males to be victims of sexual assault^{ix}. Children are particularly vulnerable. Approximately 67% of all victims of reported sexual assaults are under the age of 18, and more than half of these victims are under the age of 12^x. Approximately one in four girls and one in seven boys are sexually assaulted before the age of 18^{xi}.

Who Are Offenders Likely to Target?

Most sexual offenses are committed by someone the victim knows — either a family member, friend, intimate partner, or acquaintance^{xii}. About 27% of offenders are strangers^{xiii}.

Who Are Sex Offenders?

There is no such thing as a “typical” sex offender^{xiv}. Sex offenders can:

- be male or female;
- be young or old;
- have different levels of education;
- be married or single;
- have strong ties to their families and communities, or have weak ties; and/or
- have no record of prior criminal involvement or have a record either for sexual or non-sexual offenses.

The reasons why they offend, the kinds of interventions required to help them stop offending, and the risks they pose also vary.

Does Being Sexually Abused Cause Sex Offending?

Not necessarily — some people who commit sex offenses have been victims of sexual abuse themselves, but many have not. Being sexually abused does not cause people to become sex offenders. In fact, most people who have been sexually abused do not go on to sexually abuse others.

What Happens to Convicted Sex Offenders?

The courts impose different sentences depending on the offender, the facts of the case, and the

state's laws. Some offenders are sentenced to prison or jail, while others are sentenced directly to community supervision (e.g., probation). For those sentenced to prison or jail, some are released on parole or probation supervision while others are released with no supervision.

Approximately 150,000 adult sex offenders are currently in state and federal prisons throughout the United States. Between 10,000 and 20,000 are released to the community each year^{xv}.

Why Do People Commit Sex Crimes?

No single factor or combination of factors can fully explain why someone offends sexually, though some factors may combine to increase people's *tendency* to offend.

These factors are:

- physiological/biological (e.g., imbalanced hormones, being sexually attracted to children);
- sociocultural (e.g., being exposed to broader social messages supportive of aggression);
- developmental/environmental (e.g., having witnessed domestic violence); and
- situational/circumstantial (e.g., having easy access to victims, extreme levels of stress).

How Often Do Sex Offenders Reoffend?

About 12 to 24% of sex offenders will reoffend^{xvi}. When sex offenders do commit another crime, it is more often not sexual or violent^{xvii}. (The figures given may be low because sex offenses are often not reported.)

Are Some Offenders More Likely to Reoffend than Others?

Some offenders are more likely to reoffend than others. Professionals use science-based assessments to estimate the likelihood that someone may reoffend, though these assessments are not guarantees.

What Efforts Are Made to Improve Public Safety When Offenders Are in the Community?

The majority of convicted sex offenders reside in our communities. With proper treatment and supervision, many can live productive and stable lives. Ideally, all sex offenders who go to prison, jail, or detention should have a period of community supervision (probation or parole) following their release to monitor offenders' behavior. If offenders are at risk for reoffending or do not comply with their release conditions, they may be returned to confinement.

The following strategies are being used in managing sex offenders who are under community supervision.



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Providing Specialized Supervision

Convicted sex offenders may be sentenced to probation or parole as a result of a sexual offense, or they may be placed on probation or parole supervision after they have been in prison, jail, or detention. This means that for a period of time (which varies by jurisdiction), offenders report to a supervising officer and must follow specific rules and conditions that limit their behavior. These “conditions of supervision” depend on an offender’s risk level and risk factors. They often include (but are not limited to):

- no contact with victims;
- no or limited contact with minors;
- attending sex offender-specific treatment;
- limited or no Internet access;
- no use of alcohol or drugs;
- restrictions on where they can live and work;
- restricted movement within the community and within and across state lines; and
- reporting to probation/parole officers as required.

Using Surveillance

In some instances, electronic technologies (such as electronic monitoring or GPS devices) help monitor sex offenders while under supervision. Because these technologies are quite expensive and some studies suggest they are most effective with higher-risk offenders^{xviii}, these surveillance techniques may be best used with only the highest-risk or violent sex offenders.

Providing Specialized Treatment

Sex offender treatment can reduce the risk of reoffending^{xx}. The most effective type of treatment approach involves helping offenders change unhealthy thinking patterns, understand factors that are linked to their offending, and develop effective coping skills. For certain offenders, medications, such as those that reduce testosterone, can also be helpful when they are combined with sex offender-specific treatment^{xx}. Treatment may be more effective when it is combined with specialized supervision.

Helping Offenders Deal with Challenges Following Release from Prison

When reentering the community, sex offenders may face many challenges that can cause their lives to be unstable, including^{xi}:

- negative public feelings, including being ostracized or the victims of hostile acts;
- restrictions on where they can live; and
- difficulties finding a job.

This instability can put them at greater risk to reoffend^{xxii}; therefore, working with offenders to deal

with these challenges is crucial to their ability to live crime-free lives.

Ensuring Offenders Have Suitable Housing

One of the most serious problems that sex offenders face is finding an appropriate place to live. Zoning or residency restrictions and landlords' or homeowners' efforts to keep offenders from moving into their buildings or neighborhoods limit their options. These "safety zones" are found mostly in cities and suburbs — the same places where offenders are most likely to have access to the things they need to be successful in the community, such as jobs, social services, mental health treatment, and transportation.

Understanding Residency Restrictions

Sex offenders who are under community supervision must have their residence approved by their supervising officers to ensure that it is suitable, while sex offenders who are not under community supervision do not have the same restrictions, unless they live in an area with residency restrictions.

Most states have laws that prohibit sex offenders — whether on community supervision or not and whether their crimes involve children or not — from living within 1,000 to 2,000 feet (500 feet in some states) of places where children gather, such as schools and childcare facilities, parks, playgrounds, churches, gyms, swimming pools, libraries, and school bus stops. These zones are often referred to as "child safety zones." Some states and jurisdictions also limit or forbid sex offenders from passing through child safety zones, which means they also cannot travel on certain roads or bus routes.

No research has shown that these restrictions lead to a decrease in sexual reoffending. On the other hand, professionals are concerned that laws that banish or restrict housing options for offenders may eliminate the stability and support that offenders need to be successful in the community^{xviii}.

Reunifying and/or Living with Children

If offenders who are under community supervision plan to live in the same home as past or potential victims, supervision agencies should first work with other professionals (such as the victim's/family's therapist) on a "reunification" process. Before beginning this process, professionals must determine if the benefits of reuniting outweigh the possible risks to past or potential victims.

Helping Offenders Find a Suitable Job

It is especially important for sex offenders to find appropriate jobs because offenders without stable employment are at a higher risk of reoffending^{xiv}. Finding suitable employment is a challenge for all offenders who are reentering the community, but it can be particularly difficult for sex



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offenders. Their options can be extremely limited because of concerns about access to potential victims, employers' reluctance to hire sex offenders, licensing restrictions (e.g., for doctors/nurses, teachers, daycare workers, and security guards), and zoning and residency restrictions that limit the geographic area where offenders can work. Community supervision staff typically review and approve employment to make sure that it is suitable. In many instances, they stay in contact with employers or use other means to ensure that offenders are maintaining suitable employment.

What Is the Purpose of Sex Offender Registration?

Sex offender registration is designed to help law enforcement investigate new sex crimes. Law enforcement agencies keep identifying information about convicted sex offenders, such as their names, addresses, photographs, and crimes for which they were convicted. The length of time an offender is required to register varies by jurisdiction (e.g., certain offenders may have to register for ten years, others may have to register for life), and so does the frequency with which the offender must update and verify the information. Recent federal legislation created a national sex offender registry that is intended to assure that all states collect and maintain the same information on convicted sex offenders and provides a single Web site where citizens can find information about registered sex offenders.

What Is Community Notification?

Community notification provides community members access to information about convicted sex offenders. In some cases, community members have to look for the information on their own, for example, on their state registry Web site. In other cases, law enforcement or others inform community members that a sex offender is moving into the area. They may:

- share information in community meetings;
- post fliers in neighborhoods;
- place notices in local newspapers; and/or
- inform residents by going door to door.

How communities are notified and who in the community is notified often depend on the level of risk that an offender presents.

What Should I Know About Juvenile Sex Offenders?

Juveniles who commit sex offenses are not just younger versions of adult sex offenders. They differ in fundamental ways, including how likely they are to reoffend. These differences affect how law enforcement and other professionals manage juveniles to reduce their rate of reoffense.

How Many Juveniles Are Arrested for Sex Offenses?

Juveniles under the age of 18 make up just under 20% of those arrested for sex offenses^{xxv}. Each year, there are approximately 2,200 arrests of juveniles for forcible rape and an estimated 9,200

arrests of juveniles for other types of sex offenses^{xxvi}. More than 90% of the juveniles who are arrested are male^{xxvii}. Victims are often reluctant to come forward, so the actual number of juveniles committing sexual assault may be higher.

What Is a "Typical" Juvenile Sex Offender?

Just as there is no "typical" adult sex offender, there is no "typical" youth who commits a sex crime. Juvenile offenders can:

- be male or female;
- be from any race or ethnic background;
- be wealthy or poor;
- come from a supportive family or from a family where there has been abuse;
- have mental health or substance abuse issues, or have no mental health or substance abuse issues;
- do well in school or have learning disabilities and experience challenges in school; and/or
- have no history of any type of offense and pose little risk for reoffense, or can have a history of delinquent and/or sexual abuse behavior and require careful management.

Is There a Connection between Exposure to Violence and Sex Offending?

Exposure to physical or sexual violence in the home or community, to particularly aggressive male role models, and to pornography (especially material that is very graphic and violent) can be associated with sexually abusive behaviors among youth^{xxviii}.

How Often Do Juvenile Sex Offenders Reoffend?

Juvenile sex offenders appear to respond better to treatment and reoffend less frequently than adult sex offenders. Sexual reoffense rates for youth over several years are estimated at approximately 10%^{xxix}. In addition, if juvenile sex offenders reoffend, they are far more likely to engage in other types of delinquent behavior than to commit new sex crimes^{xxx}.

Can Juvenile Sex Offenders be Managed in the Community?

In some cases, yes. Placing juvenile sex offenders in custody does not necessarily reduce offending over time. In fact, it can actually increase the likelihood of reoffense as youth who live with other delinquent or troubled juveniles may teach one another how to be even more serious young criminals^{xxxi}. Many juvenile sex offenders can be safely managed in the community with specialized supervision and treatment^{xxxii}.

Is Treatment Important for Juvenile Sex Offenders?

Many juveniles who come to the attention of law enforcement for committing sex offenses do not commit more crimes, even if they do not receive treatment^{xxxiii}. However, juvenile sex offenders



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who do receive treatment have lower rates of reoffense for both sexual and non-sexual crimes^{1004v}.

Why Is Community Supervision Important for Juvenile Sex Offenders?

Community supervision (probation or parole supervision) can help ensure that youth behave appropriately in the community, and participate in treatment. Supervision also allows trained officers or case managers to provide support to (and work closely with) parents, school personnel, and others who are responsible for juvenile offenders.

What Other Strategies Are Being Used to Manage Juvenile Sex Offenders?

Many states have laws regarding registration and community notification that apply to juveniles. The Adam Walsh Child Protection and Safety Act, passed by the United States Congress in 2006, requires that selected (but not all) juvenile sex offenders register periodically with law enforcement and that some data about these youth be posted on the Internet. Like with adult sex offenders, there has been very limited research to date on whether juvenile registration and notification can help reduce reoffending and enhance public safety.

For Additional Information and Resources

CSOM has developed a variety of publications that address in greater depth the range of issues identified in this fact sheet. These documents — along with a number of other tools that have been developed by professionals in the field to aid communities in their efforts to protect themselves and their families and to become a part of the solution to reduce victimization through the effective management of sex offenders — can be found at www.csom.org.

Please contact us with specific questions at askcsom@cepp.com or:

Madeline Carter
Director, Center for Sex Offender Management
8403 Colesville Road, Suite 720
Silver Spring, MD 20910
Phone: 301-589-9383
Fax: 301-589-3505
Email: cartermm@cepp.com

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Acknowledgements

This fact sheet was developed by Leilah Gilligan of the Center for Sex Offender Management (CSOM) and edited by Madeline Carter and Dr. Kurt Bumby of CSOM and Debbie Smith of First Folio Resource Group, Inc. CSOM would like to express its gratitude to Suzanne Brown-McBride and Patty Wetterling for their thoughtful insights and review of this document.



Fact Sheet: What You Need to Know About Sex Offenders

Contact

Center for Sex Offender Management
8403 Colesville Road, Suite 720
Silver Spring, MD 20910
Phone: (301) 589-9383
Fax: (301) 589-3505
E-mail: askcsom@csom.org
Internet: www.csom.org

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This project was supported by Grant Number 2007-WP-BX-K002, awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

Ensure Appropriate, Sustainable Housing Options

Difficulties securing employment, financial concerns, and disruption to prosocial relationships are but a few of the challenges offenders face when reintegrating into the community, particularly following a period of incarceration. These barriers are especially significant for sex offenders, who also face negative public sentiment and restrictions on housing options.

Laws restricting where sex offenders can reside have swept the country in recent years. These “sex offender-free zones” prohibit offenders from residing anywhere from 1,000 feet or less to 2,000 feet or more from locations where children congregate, including schools, day care centers, parks, and bus stops. [More than half of the states have passed residency restriction laws (Council of State Governments, 2008).] Other communities further limit or prohibit sex offenders’ access to homeless shelters or other residential settings (including treatment centers) where more than one sex offender might reside. In some localities, particularly urban areas, these exclusion zones can severely limit sex offenders’ access to housing options. Instances of offenders being forced into homelessness or congregating under bridges have been widely reported.

These conditions raise serious community safety concerns:

Key Concerns

- Some sex offenders are denied conditional release from confinement as a result of an inability to secure housing. These offenders serve their maximum terms and are released to the community without a period of community supervision or treatment. In these instances, justice system professionals are unable to provide oversight and monitoring to offenders in the critical months following release from confinement when reoffense is most likely to occur
- Others are denied access to residential settings that offer the structure and treatment necessary to decrease the likelihood of reoffense.
- Still others experience organized community efforts to prevent them from moving into specific homes or neighborhoods.
- Aware of community members’ concerns, some landlords are reluctant to rent to sex offenders, even in those areas where restrictions do not apply.

These conditions run counter to efforts to reduce the rate of reoffense, in that research demonstrates that stabilization in the community contributes to decreases in reoffense rates among sex offenders (Hanson & Harris, 2000; Hanson et al., 2007).

The Solution

Some jurisdictions are proactively establishing mechanisms to identify and secure affordable and sustainable housing for sex offenders. In some instances, state resources are directed to housing options for sex offenders (e.g., rent subsidies). In still others, department of corrections staff work with local landlords to reserve apartments for displaced or releasing sex offenders. These arrangements often have the added benefit of providing for added security measures (such as around-the-clock duty personnel and security cameras). As a means of addressing these problems in a deliberate manner, housing representatives are increasingly joining the memberships of state and local sex offender management policy teams.

With the heightened concerns about sex offenders and sexual victimization and the public's demand for legislative responses, sex offense-specific laws have been passed at unprecedented rates. Most prevalent in recent years have been laws that establish specialized civil commitment, mandatory minimum sentences, expanded requirements for registration and community notification, and residency restrictions. Enactment of these and other well-intentioned laws is typically reactive, in response to high-profile cases that fuel citizens' fears about their safety (Sample & Kadleck, 2008).

The resulting policies, which tend to be costly and far-reaching in applicability, are not necessarily developed with a thorough understanding of the facts pertaining to sex offenders, victims, and effective management strategies (Levenson & D'Amora, 2007; Sample & Kadleck, 2008). As a result, many sex offense-specific legislative initiatives are implemented in the absence of evidence supporting their effectiveness in promoting public safety or preventing sexual victimization.

Just as the field of corrections overall has moved toward implementing evidence-based practices, there has been recent movement toward developing evidence-based policies, whereby current research and data is used to inform correctional policies in order to reduce recidivism and increase public safety in cost-effective ways (see Andrews & Bonta, 2006; Aos et al., 2001, 2006). In addition, there has been a growing emphasis regarding the need for evidence-based sex offender management policies (Levenson & D'Amora, 2007; Sample & Kadleck, 2008). Developing informed sex offender management policies requires dedicated efforts to engage lawmakers in educational opportunities that are designed to increase their understanding of the following:

- The incidence and prevalence of sexual victimization;
- The nature of the victim-offender relationship, whereby most victims are related to or otherwise known to the offenders;
- The diversity of adult and juvenile sex offenders, including the varied levels of risk they pose to the community;
- The ability of practitioners to differentiate between lower- and higher-risk sex offenders based on empirically based assessment tools and to apply these tools at key decision points;
- Key elements of contemporary sex offender management and the goals underlying these components; and
- Research on the impact and effectiveness of various sex offender management laws and strategies, including the potential for paradoxical, risk-increasing effects.

Criminal justice and correctional policymakers throughout the country are increasingly taking steps to frame laws and other policies upon the evidence-based correctional literature, including current research about sex offenders and effective management strategies. This is occurring by convening legislative briefings, training events, and other educational forums for state lawmakers and other public executives; creating multidisciplinary task force groups, special committees, and advisory boards to provide policy analyses and recommendations; and commissioning research reports focused on specific areas of sex offender management policy. Equipping lawmakers – and the public they represent – with accurate and contemporary information about these issues allows for a more deliberate and informed response to sex offender management policy, more effective and efficient allocation of resources, and, ultimately, increased public safety.

Promoting Informed Legislation: Kansas Sex Offender Policy Board

In 2006, the Kansas Governor and the Legislature established the Kansas Sex Offender Policy Board to provide guidance and recommendations to state officials regarding a range of sex offender management policies. Per statute, the Sex Offender Policy Board, under the authority of the Kansas Criminal Justice Coordinating Council (KCJCC), included the following members:

- ◆ Secretary of Department of Corrections;
- ◆ Commissioner of Juvenile Justice Authority;
- ◆ Secretary of Social and Rehabilitation Services;
- ◆ Director of the Kansas Bureau of Investigation;
- ◆ Chief Justice of the Supreme Court or designee; and
- ◆ Two persons (i.e., mental health provider, victim advocate) appointed by the KCJCC.

The Board analyzed policies that focused on community notification, residency restrictions, electronic monitoring, juvenile sex offender management, treatment and supervision standards for sex offenders, suitability of lifetime supervision, and public education. The following were among the key policy recommendations:

- ◆ Establish a multidisciplinary sex offender management board to address comprehensive, specialized, and victim-sensitive sex offender management standards and guidelines;
- ◆ Adopt developmentally appropriate assessment, treatment, and supervision approaches for juveniles who have committed sex offenses, including an emphasis on family interventions;
- ◆ Promote collaboration between law enforcement, community corrections and supervision, court services, prosecutors, and others to verify and update sex offender registry data;
- ◆ Educate the public about the uses and limitations of the sex offender registry, and ensure that the terminology and offenses on the registry are clearly defined and understandable;
- ◆ Establish a formal review process that may allow for waiver of registration for certain offenders under special circumstances;
- ◆ Reserve electronic monitoring for sex offenders assessed as a high risk for recidivism, and use this technology in conjunction with other management strategies (e.g., treatment, supervision);
- ◆ Forgo lifetime supervision legislation, given the current lack of evidence to support such a strategy;
- ◆ Make permanent the moratorium on residency restrictions, in light of the absence of evidence supporting the effectiveness of residency restrictions and the false sense of security that these laws may instill; and
- ◆ Allocate resources to develop public education and prevention programs regarding sex offenders, effective management strategies, and the prevention of sexual victimization.

These and other recommendations have resulted in well-informed and measured legislation pertaining to the management of sex offenders in Kansas.

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Public Hearing & Final Passage regarding amendments to the City's Land Use Code, Business Licensing Ordinance and Fire Prevention & Protection Ordinance pertaining to lodging houses and lodging places.

INFORMATION:

In February 2017, the City Council approved a moratorium on lodging houses and in July 2017, extended this moratorium for another six months. The need for the moratorium involved complaints regarding the number of college students living in dwelling units and the adverse impacts created by noise, overcrowding, parking issues and so forth.

The purpose for the moratorium was to allow city staff time to work with the City Attorney to develop language to amend the City Codes regarding lodging houses. Staff has worked to establish a definition of family and family member, refine the definition of lodging house and lodging place and to unify the application of these changes within the various city ordinances that pertain to lodging houses.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to Appendix A, Article II "Definitions", Article IV "Establishment of Districts", Article XI "District Regulations", Article XII "Performance Standards", of the City Zoning and Land Use Code, as well as Sections 22-2 and 22-41 of the Businesses Ordinance and Section 38-26 of the Fire Prevention & Protection Ordinance concerning lodging houses, receive final passage by a roll call vote.

**AN ORDINANCE PERTAINING TO LODGING HOUSES, DWELLING UNITS
AND THE NEIGHBORHOOD CONSERVATION "B" PRESERVATION
OVERLAY DISTRICT**

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

Appendix A – Zoning and Land Use Code

Article II. Definitions

Sec. 2 Definitions

Dwelling means any building or structure or portion thereof designed or used for residential purposes.

1. *Single-family detached dwelling.* A structure having a length to width ratio of less than four (4) to one (1), and a minimum horizontal dimension at its narrowest point of at least sixteen (16) feet and containing only one (1) dwelling unit ~~for occupation~~ occupied by not more than one (1) family. ~~A family shall include the~~ If a dwelling otherwise meets these criteria, a single-family detached dwelling is deemed to include a dwelling occupied by a group of individuals housed within a "community living arrangement" which is a housing facility for eight (8) or fewer persons with disabilities that is approved, certified or licensed by the State of Maine. A community living arrangement may include a group home, foster home or intermediate care facility. A single-family detached dwelling shall not include mobile homes as defined herein, but shall include any other manufactured housing meeting these criteria.
2. *Single-family attached dwelling.* A building containing single-family dwelling units each with two (2) or more vertical fire separation walls, or one (1) vertical fire separation wall in the case of a dwelling unit at the end of a group of attached units; which have no dwelling units above or below them; and which have no common hallways. If a dwelling otherwise meets these criteria, a single-family detached dwelling is deemed to include a dwelling occupied by a group of individuals housed within a "community living arrangement" which is a housing facility for eight (8) or fewer persons with disabilities that is approved, certified or licensed by the State of Maine. A community living arrangement may include a group home, foster home or intermediate care facility.

Dwelling unit means a room or group of rooms, containing at least three hundred (300) square feet of living area, designed and equipped exclusively for use as living quarters for one (1) family including provisions for living, sleeping, cooking, and eating. The term shall not include hotel or motel rooms or suites, ~~rooming house rooms~~ individual lodging house units that do not have kitchen facilities, fraternity rooms, sorority rooms, club or institutional group rooms, or similar accommodations.

Family means one person or two or more family members and, for purposes of this Code, may also include up to three (3) additional persons residing with them.

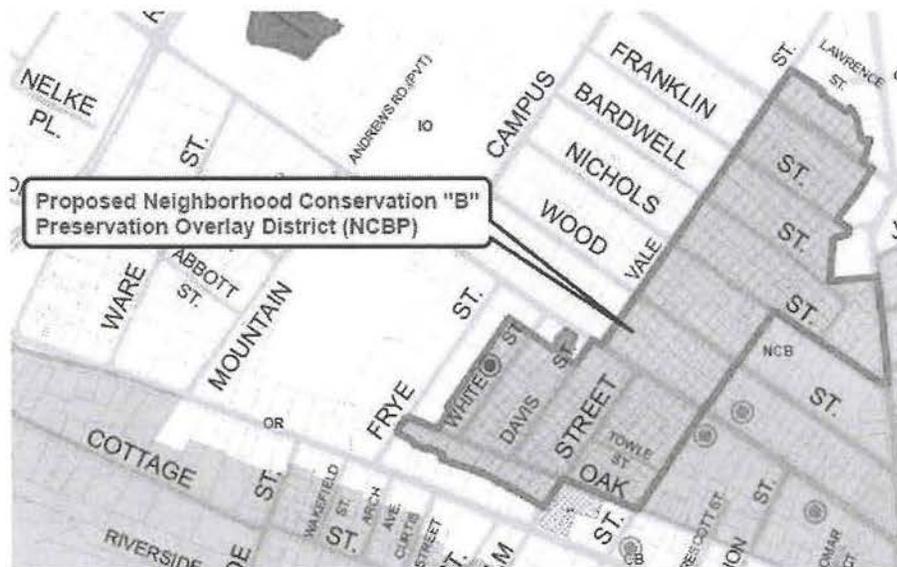
Family members mean persons who are within the following degrees of relationship: a first, second, or third degree relation (parent, child, stepchild, sibling, aunt, uncle, niece, nephew, grandchildren, grandparent, great grandparent or great grandchild); spouse or domestic partner or former spouse or former domestic partner; or, parents of the same child. For purposes of this definition, the term "domestic partners" means two unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

Lodging house means a dwelling unit occupied by more than one family; or a building or group of attached or detached buildings containing three (3) or more lodging house units for occupancy for weekly or longer periods of time, with or without board, ~~for compensation, in which~~ and with or without common kitchen or living facilities ~~may or may not be provided,~~ as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients. Lodging units shall not meet the definition of a dwelling unit and for the purposes of computing density and parking requirements; two (2) lodging units shall equal one (1) multi family dwelling unit. A boarding house shall be considered a type of lodging house. The term "lodging house" shall not include any use that falls within the definition of a bed and breakfast establishment; a dormitory; a hotel, inn or motel; a shelter; or a tourist home.

Article IV. Establishment of Districts

Section 2. Zoning Districts

Neighborhood Conservation "B" Preservation (NCBP) overlay district



Article XI. District Regulations

Section 24. Additional District Regulation Requirements

4) Neighborhood Conservation "B" Preservation (NCBP) overlay district

(a) Statement of purpose: The purpose of the neighborhood preservation overlay district is to promote the stability and improvement of older multifamily residential neighborhoods by prohibiting the development of new lodging houses or the replacement, reuse or conversion of existing buildings into lodging houses in areas in which said uses would result in an adverse impact on the intended uses of properties in the area impacting residents' quality of living and the ability of property owners to improve and increase the values of their properties.

(b) Applicability. The standards of the neighborhood preservation overlay district shall apply to all land shown on the "Official Zoning Map, City of Lewiston" as being located within the neighborhood conservation "B" overlay district.

(c) Prohibited uses. Any use permitted by right in the underlying zoning district shall be allowed in the neighborhood preservation overlay district with the exception of lodging houses, which are a prohibited use in the NCB overlay district.

(d) Space and bulk standards. The space and bulk requirements of the underlying zoning district shall apply in the neighborhood conservation "B" overlay district.

Article XII. Performance Standards

Sec. 11. In-law apartment standards.

An in-law apartment meeting the following standards shall be considered to be part of a single-family detached dwelling and shall not be considered to be a dwelling unit in terms of the space and bulk standards of article XI. In-law apartments shall be permitted only in those districts where they are allowed uses. Apartments not meeting these requirements shall be considered to be separate dwelling units and shall meet the use and space and bulk requirements of article XI:

(3) The person(s) occupying the in-law apartment must be a ~~first, second, or third degree relation (parent, child, stepchild, sibling, aunt, uncle, niece, nephew, or grandparent)~~ family member of the principal occupant(s) of the single-family home ~~either by blood or by marriage and the~~ and the burden of proof of this relationship shall be on the homeowner.

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

Code of Ordinances, Chapter 22, Businesses

Sec. 22-2. Definitions

~~*Innkeeper* means anyone who operates a place where the public, for consideration, obtains sleeping accommodations and meals under one roof and which has a public dining room or rooms operated by the same management open and serving food during the morning, afternoon and evening, and a kitchen, apart from the public dining rooms, in which food is regularly prepared for the public on the same premises.~~

...

~~*Lodging place Lodginghouse* means a building or group of attached or detached buildings that is permitted by the City under the Code of Ordinances, Appendix A- Zoning and Land Use Code as a bed and breakfast establishment; hotel, inn or motel; lodging house; or tourist home., lodging and/or dwelling units for occupancy for daily, or weekly persons not within the second degree of kindred to the person conducting the lodging house with or without board, in which common kitchen or living facilities may or may not be provided. The term "lodging house" shall not be meant to include the dormitories of charitable, educational or philanthropic institutions or associations, or any house where lodgings are let to less than five lodgers. A boarding house shall be considered a type of lodging house.~~

Sec. 22-41. Duration of licenses; expiration date. All licenses, except when otherwise provided, shall be for 12 months' duration and shall expire according to the following schedule:

...

<i>Innkeepers</i>	February
Junk collectors	November
<i>Lodging place Lodginghouse operator</i>	February

...

Code of Ordinances, Chapter 38, Fire Prevention and Protection

Sec. 38-26. Codes Adopted

(b) Specific Provisions: The City of Lewiston Fire Prevention Code incorporates by reference National Fire Protection Association (NFPA) #101, Life Safety Code, 2009 edition; NFPA #80, Standard for Fire Doors and other Opening Protectives, 2010 edition; and NFPA #220, Standard on Types of Building Construction, 2006 edition. Specific provisions of the Life Safety Code have been excluded to avoid conflict with the Maine Uniform Building and Energy Code, and several provisions have been modified to make the provisions specific to Maine. This section also includes rules governing portable classrooms and indoor and special pyrotechnic events.

8. For this section and the codes adopted herein, the term "family" has the same meaning as the term is defined in the Code of Ordinances, Appendix A- Zoning and Land Use Code, Article II.

Reason For Proposed Amendments

On February 21, 2017, the City Council enacted a moratorium on the issuance of any permits and/or licenses for lodging houses or dwellings with more than three unrelated persons. The

reason for the moratorium was to provide the city time to investigate and prepare amendments to various sections of our code with respect to lodging houses. The impetus for the moratorium involved complaints regarding the number of college students living in dwelling units and the adverse impacts created by noise, overcrowding, increased parking demand, etc. On July 8, 2017 the Council voted to extend the moratorium an additional six months to expire on February 9, 2018. There is a concern that city's current provisions may not be protecting the residential character of certain neighborhoods or protecting against unhealthy or unsafe conditions.

The proposed amendments will:

- Establish a definition for “family” and “family member”. Both provide clarification as to the relationship between occupants in a dwelling unit and the number of unrelated inhabitants allowed in a dwelling unit.
- Clarifies the definition of “lodging house” and “lodging place” in various sections of the Code of Ordinances. The definition specifies a dwelling occupied by more than one family is a lodging house.
- Specifies that a dwelling unit is used exclusively for one family or otherwise, shall be considered a lodging house.
- Adds provisions for the creation of a Neighborhood Conservation “B” Preservation (NCBP) overlay district. This will be a limited area of the Neighborhood Conservation “B” (NCB) district that will specifically prohibit the operation of **any new** lodging houses in effort to avoid adverse impacts (i.e. noise, overcrowding, increased parking demand, etc.) on the intended residential uses of properties in the area. **This does not apply to legally existing lodging houses as of the adoption date of this ordinance.**
- Clarifies the city's adoption of National Fire Protection Association's (NFPA) code shall incorporate the term “family” as defined in Lewiston's Zoning and Land Use Code.
- Make zoning, fire prevention, and city licensing definitions more consistent with one another.
- Make city definitions consistent with the National Fire Protection Association (NFPA) requirements for when a dwelling unit becomes a lodging house unit.

Consistency With The Comprehensive Plan

- Strengthen neighborhoods & expand housing choice. Promote distinct, safe, and vibrant neighborhoods with greater access to a diverse range of affordable and market-rate housing types to meet Lewiston's evolving population (p.116)
- Better Define Lewiston's Neighborhoods: The City could work with residents to clearly identify neighborhood boundaries. . . to help build a renewed sense of community for the residents who reside there (p. 179).
- Infill Growth Sectors are areas that are mostly or fully built-out in the City's historic development pattern but that still have vacant or underutilized land. Additional growth and development in these areas is desirable due to the presence of existing infrastructure. All of these should be rezoned as character-based districts to more easily enable context-appropriate investment in the City center (p. 125.G-5 Infill Growth Sector).
 - Lewiston contains a number of residential neighborhoods, some of which are within walking distance to the downtown core and others that require a short drive

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to access daily retail needs. There is strong support for protecting and strengthening these neighborhoods that are defined by an interconnected network of residential streets. Allow infill development and redevelopment in established residential neighborhoods that are compatible with traditional development patterns and densities (p. 128. Character District 3 Suburban Neighborhood).



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council
FROM: David Hediger, City Planner
DATE: November 18, 2017
RE: Planning Board recommendation on amendments pertaining to lodging houses and lodging places.

The Planning Board took the following action at their meeting held on November 13, 2017:

MOTION: by **John Butler** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to amend Appendix A, Article II, Section 2, Definitions; Article IV, Section 2, Zoning Districts; Article XI, Section 24. Additional District Regulation Requirements; Article XII, Section 11. In-law apartment standard and Code of Ordinances, Chapter 22 Business, Section 22-2. Definitions; Chapter 22, Section 22-41 Duration of licenses; and, Chapter 38, Fire Prevention and Protection, Section 38-26.
Second by **Norman Ancil**.

VOTED: 5-2 (Passed. Bruce Damon and Michael Marcotte opposed)

Note: The opposing votes were cast due primarily to concerns with the definitions of *family* and *family members*. Specifically, the challenge the city will be presented when in determining who is a family member when enforcement action is needed. Another related concern was adopting an ordinance allowing a family and up to three additional persons in a dwelling may result in a more transient population in single-family neighborhoods. It was also noted that these ordinances will impact the entire community; however, are being proposed specifically because of complaints from the neighborhood around Bates College.

Staff acknowledges that determining who family members are in a dwelling unit may prove challenging at times. However, the Board was reminded that there are currently no provisions in any of the city ordinances that specifically reference who family members may consist of or the number of unrelated persons that may live in a dwelling unit. Neither is currently regulated. While the impetus for the proposed amendments was Bates College students living off-campus, without this amendment the city has no real mechanism to limit the number of non-related persons residing in a dwelling unit. Furthermore, the basis for limiting occupancy in a dwelling unit to a family plus three additional persons before becoming a *lodging house* is based upon the existing National Fire Protection Association (NFPA) #101 *Life Safety Code* 2009 Edition, a national code adopted by the State and the City. The proposed amendment provides the city an enforcement mechanism to limit the number of non-family members (i.e.

“transients”) that may reside in a dwelling, while remaining consistent with NFPA requirements. Staff also acknowledges that this ordinance alone will not stop bad tenant behavior. However, it is another means in addition to the recently adopted noise and nuisance party ordinances that will assist in protecting the residential character of certain neighborhoods and protect against unhealthy or unsafe conditions in dwelling units.

It should also be noted two minor changes have been made to the proposed amendment since first acted upon by the Council at their October 3, 2017 meeting; see memorandum to the Planning Board dated November 8, 2017. Specifically, the definition of lodging house has been amended to include the term lodging “house” units, in effort to be consistent with a similar reference made under the definition of dwelling unit. And under the Reasons For Proposed Amendment section, staff has added language making it clear that the Neighborhood Conservation “B” Preservation (NCBP) overlay district will specifically prohibit the operation of any new lodging houses and that this does not apply to legally existing lodging houses as of the adoption date of this ordinance. These changes are de minimis in nature and do not change the content or implications of the ordinance.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: November 8, 2017
RE: Lodging House Amendments

The Planning Board voted 5-2 at their October 23, 2017 meeting to continue the public hearing related to lodging houses and the creation of the Neighborhood Conservation "B" Preservation (NCBP) overlay district. After hearing comments from some existing lodging house operators located within the proposed overlay district, staff was asked to provide clarification to the amendment.

Staff has since met with lodging house operators Fred and George Greenwood to review the language being proposed. With some subtle changes to the proposed ordinance along with clearing up some misunderstandings, staff believes the revision being proposed at this time addresses their concerns. Specifically, the definition of *lodging house* has been amended to include the term lodging "house" units, in effort to be consistent with a similar reference made under the definition of *dwelling unit*. Apparently, there was confusion that a lodging house would be any building with three or more dwelling units. That was never the case. One must consider the definition of dwelling unit and lodging house to differentiate the use groups. Staff believes the language clearly distinguishes the two uses. As is often the case with zoning ordinances, nuances within definitions can make a significant difference.

There was also discussion about how the overlay district may impact existing lodging houses. If any use was in lawful existence, but does not comply with the applicable use regulations of the zoning district in which it is located as the result of an amendment (i.e. the NCBP overlay), then the use of a premise, parcel of land, or structure becomes a legally *nonconforming use*. Per Article VI, Section 4(a) the use of land, buildings, structures, lawful at the time of adoption or subsequent amendment of this Code, may continue, although such use does not conform to the provisions of this Code. That said, under the Reasons For Proposed Amendment Section, staff has added language making it clear that the NCBP overlay district will specifically prohibit the operation of any new lodging houses and that this does not apply to legally existing lodging houses as of the adoption date of this ordinance.

Some Board members had questions about the definitions of *family* and *family members*. Staff has not made any changes from that originally proposed and reviewed by the city attorney. Some rationale behind these definitions includes the following:

- *Family*: One of the goals was to align the city's definition with the existing National Fire Protection Association (NFPA) #101 *Life Safety Code* 2009 Edition, a national code adopted by the State and the City. The *Life Safety Code Handbook* provides guidance noting that each dwelling unit can be occupied by members of a single family with not more than three outsiders. It does not define family, leaving that to other jurisdictions. However, it provides examples of why a dwelling should not include more than three

outsiders and otherwise be considered a lodging house (see attached). It is also important to note, neither the city's zoning and land use code or property maintenance code contain no provisions to limit the number of occupants in a dwelling unit or their relationship to one-another. The proposed amendment provides staff the ability to take enforcement action related to the number of occupants, which currently does not exist.

- *Family members:* Again, in effort to align language, this definition includes language existing in the in-law apartment standards of Article XII, Section 11 (i.e. third degree relation). It also uses language, in part, adopted by the state and used by law enforcement officials in domestic relations and protection from abuse matters found in MRS 19-A, Chapter 101, Section 4002; see attached. Using this for guidance, the goal of the city definition was to establish some boundaries while remaining wide-ranging and defensible.

To recap, staff has drafted amendment that will:

- Establish a definition for "family" and "family member". Both provide clarification as to the relationship between occupants in a dwelling unit and the number of unrelated inhabitants allowed in a dwelling unit.
- Clarifies the definition of "lodging house" and "lodging place" in various sections of the Code of Ordinances. The definition specifies a dwelling occupied by more than one family, as defined by the Code to include one person, two or more family members, and up to three additional individuals, is a lodging house.
- Specifies that a dwelling unit is used exclusively for one family. Otherwise, it shall be considered a lodging house.
- Adds provisions for the creation of a Neighborhood Conservation "B" Preservation (NCBP) overlay district. This will be a limited area of the Neighborhood Conservation "B" (NCB) district that will specifically prohibit the operation of lodging houses in an effort to avoid adverse impacts (i.e. noise, overcrowding, increased parking demand, etc.) on the intended residential uses of properties in the area.
- Clarifies the city's adoption of National Fire Protection Association's (NFPA) code shall incorporate the term "family" as defined in Lewiston's Zoning and Land Use Code.
- Make zoning, fire prevention, and city licensing definitions more consistent with one another.
- Make city definitions consistent with the National Fire Protection Association (NFPA) requirements for when a dwelling unit becomes a lodging house unit.

As noted the Board October meeting, the amendment being presented to the Board includes changes to the Zoning and Land Use Code and the Code of Ordinances. Technically, the Board's jurisdiction is limited to those changes contained in the Zoning and Land Use Ordinance; specifically, Neighborhood Conservation "B" overlay district including: Appendix A, Article II, Section 2, Definitions; Article IV, Section 2, Zoning Districts; Article XI, Section 24. Additional District Regulation Requirements; and Article XII, Section 11. In-law apartment standards. However, the amendments to Code of Ordinances, including Chapter 22 Business, Section 22-2. Definitions; Chapter 22, Section 22-41 Duration of licenses; and, Chapter 38, Fire Prevention and Protection, Section 38-26 are integral parts of the overall amendment. Together, staff believes the proposed amendment will assist in protecting the residential character of certain neighborhoods and protect against unhealthy or unsafe conditions in

dwelling units. Therefore, staff is recommending the Board provide the City Council a recommendation with respect to all proposed changes.

ACTION NECESSARY

Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to amend Appendix A, Article II, Section 2, Definitions; Article IV, Section 2, Zoning Districts; Article XI, Section 24. Additional District Regulation Requirements; Article XII, Section 11. In-law apartment standard and Code of Ordinances, Chapter 22 Business, Section 22-2. Definitions; Chapter 22, Section 22-41 Duration of licenses; and, Chapter 38, Fire Prevention and Protection, Section 38-26.

Maine Revised Statutes
Title 19-A: DOMESTIC RELATIONS
Chapter 101: PROTECTION FROM ABUSE

§4002. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 694, Pt. B, §2 (NEW); 1995, c. 694, Pt. E, §2 (AFF).]

1. Abuse. "Abuse" means the occurrence of the following acts between family or household members or dating partners or by a family or household member or dating partner upon a minor child of a family or household member or dating partner:

A. Attempting to cause or causing bodily injury or offensive physical contact, including sexual assaults under Title 17-A, chapter 11, except that contact as described in Title 17-A, section 106, subsection 1 is excluded from this definition; [1995, c. 694, Pt. B, §2 (NEW); 1995, c. 694, Pt. E, §2 (AFF).]

B. Attempting to place or placing another in fear of bodily injury through any course of conduct, including, but not limited to, threatening, harassing or tormenting behavior; [1995, c. 694, Pt. B, §2 (NEW); 1995, c. 694, Pt. E, §2 (AFF).]

C. Compelling a person by force, threat of force or intimidation to engage in conduct from which the person has a right or privilege to abstain or to abstain from conduct in which the person has a right to engage; [1995, c. 694, Pt. B, §2 (NEW); 1995, c. 694, Pt. E, §2 (AFF).]

D. Knowingly restricting substantially the movements of another person without that person's consent or other lawful authority by:

- (1) Removing that person from that person's residence, place of business or school;
- (2) Moving that person a substantial distance from the vicinity where that person was found; or
- (3) Confining that person for a substantial period either in the place where the restriction commences or in a place to which that person has been moved; [1995, c. 694, Pt. B, §2 (NEW); 1995, c. 694, Pt. E, §2 (AFF).]

E. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; [2015, c. 410, Pt. B, §1 (AMD); 2015, c. 443, §9 (AMD).]

F. Repeatedly and without reasonable cause:

- (1) Following the plaintiff; or
- (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; [2017, c. 288, Pt. A, §17 (AMD).]

G. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A; or [2017, c. 288, Pt. A, §18 (RPR).]

H. Engaging in aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively. [2017, c. 288, Pt. A, §19 (NEW).]

[2017, c. 288, Pt. A, §§17-19 (AMD) .]

2. Adult. "Adult" means a person 18 years of age or older or a person under 18 years of age who is emancipated pursuant to Title 15, section 3506-A.

[1995, c. 694, Pt. B, §2 (NEW); 1995, c. 694, Pt. E, §2 (AFF) .]

3. Court. "Court" means a District Court and, with regard to section 4011, the tribal court of the Passamaquoddy Tribe or the Penobscot Nation.

[1995, c. 694, Pt. B, §2 (NEW); 1995, c. 694, Pt. E, §2 (AFF) .]

3-A. Dating partners. "Dating partners" means individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.

[2007, c. 340, §3 (NEW) .]

4. Family or household members. "Family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of Title 15, section 1023, subsection 4, paragraph B-1 and Title 15, section 1094-B, this chapter and Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C, 211-A, 1201, 1202 and 1253 only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

[2015, c. 296, Pt. C, §24 (AMD); 2015, c. 296, Pt. D, §1 (AFF) .]

5. Law enforcement agency. "Law enforcement agency" means the State Police, a sheriff's department or a municipal police department.

[1995, c. 694, Pt. B, §2 (NEW); 1995, c. 694, Pt. E, §2 (AFF) .]

6. Mutual order of protection or restraint. "Mutual order of protection or restraint" means an order that is granted to the defendant in an action under this chapter or the inclusion of language in an order granted to the plaintiff in an action under this chapter that restricts or limits the plaintiff's conduct with regard to the defendant absent the filing of a separate complaint by the defendant, service of the complaint and summons upon the plaintiff and a finding by the court that the plaintiff committed the abuse alleged in the complaint.

[1995, c. 694, Pt. B, §2 (NEW); 1995, c. 694, Pt. E, §2 (AFF) .]

SECTION HISTORY

1995, c. 694, §B2 (NEW). 1995, c. 694, §E2 (AFF). 2003, c. 672, §16 (AMD). 2005, c. 265, §19 (AMD). 2007, c. 340, §§2, 3 (AMD). 2007, c. 518, §8 (AMD). 2011, c. 640, Pt. C, §1 (AMD). 2013, c. 478, §7 (AMD). 2015, c. 296, Pt. C, §24 (AMD). 2015, c. 296, Pt. D, §1 (AFF). 2015, c. 410, Pt. B, §§1, 2 (AMD). 2015, c. 443, §§9, 10 (AMD). 2017, c. 288, Pt. A, §§17-19 (AMD).

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or more units in the building. The type of wall required between units in order to consider them as separate buildings is normally established by the authority having jurisdiction. If the units are separated by a wall of sufficient fire resistance and structural integrity to be considered as separate buildings, the provisions of Chapter 24 apply to each townhouse. Condominium status is a form of ownership, not occupancy; for example, there are condominium warehouses, condominium apartments, and condominium offices.

The provisions of 24.1.1.1 state that, in one- and two-family dwellings, each dwelling unit can be "occupied by members of a single family with not more than three outsiders." The *Code* does not define the term *family*. The definition of *family* is subject to federal, state, and local regulations and might not be restricted to a person or a couple (two people) and their children. The following examples aid in differentiating between a single-family dwelling and a lodging or rooming house:

- (1) An individual or a couple (two people) who rent a house from a landlord and then sublease space for up to three individuals should be considered a family renting to a maximum of three outsiders, and the house should be regulated as a single-family dwelling in accordance with Chapter 24.
- (2) A house rented from a landlord by an individual or a couple (two people) in which space is subleased to 4 or more individuals, but not more than 16, should be considered and regulated as a lodging or rooming house in accordance with Chapter 26.
- (3) A residential building that is occupied by 4 or more individuals, but not more than 16, each renting from a landlord, without separate cooking facilities, should be considered and regulated as a lodging or rooming house in accordance with Chapter 26.

Considerable debate has centered on the term *family*. It is not the intent of 24.1.1.1 to define the term; however, A.24.1.1.1 provides assistance in determining where the term is inappropriate and another chapter of the *Code* is to be used. If more than three outsiders are accommodated in rented rooms within a dwelling unit, the occupancy should be classified as a lodging or rooming house and should meet the requirements of Chapter 26. The reasoning behind this classification guideline is that outsiders do not tend to keep each other as informed as family members do with regard to conditions within the building. In addition, when occupying their rooms, they more often keep their room doors closed than do family members. The lack of communication and reduced openness and awareness justify the additional alarm system, vertical opening, and corridor wall and door requirements that apply to lodging or rooming houses.

24.1.1.2 The requirements of this chapter shall apply to buildings and to existing or modified buildings according to the provisions of 1.3.1 of this *Code*.

24.1.2 Multiple Occupancies.

24.1.2.1 Multiple occupancies shall be in accordance with 6.1.14.

24.1.2.2 No dwelling unit of a residential occupancy shall have its sole means of egress pass through any nonresidential occupancy in the same building, unless otherwise permitted by 24.1.2.2.1 or 24.1.2.2.2.

24.1.2.2.1 In buildings that are protected by an automatic sprinkler system in accordance with Section 9.7, dwelling units of a residential occupancy shall be permitted to have their sole means of egress pass through a nonresidential occupancy in the same building, provided that the following criteria are met:

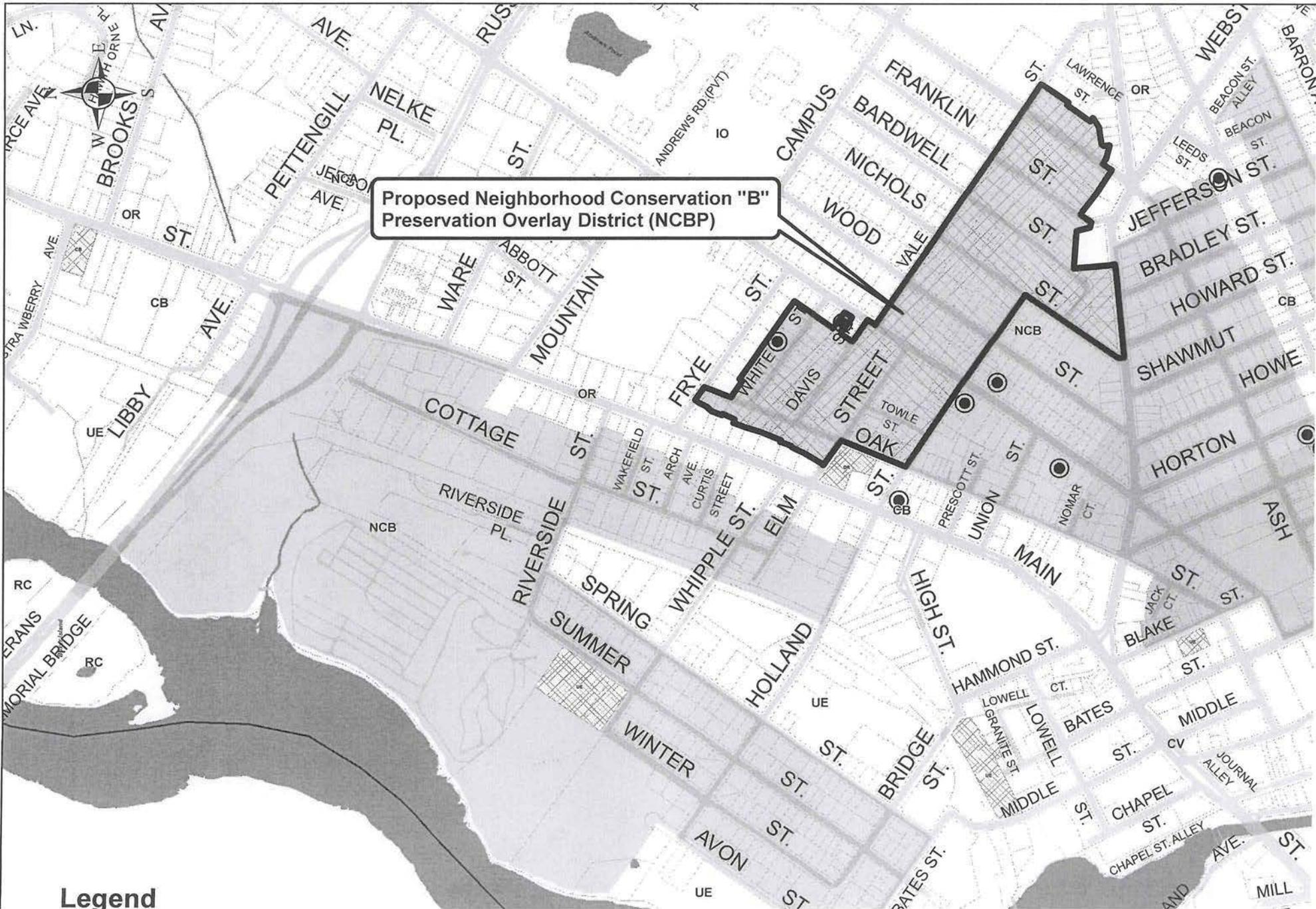
- (1) The dwelling unit of the residential occupancy shall comply with Chapter 24.
- (2) The sole means of egress from the dwelling unit of the residential occupancy shall not pass through a high-hazard contents area as defined in 6.2.2.4.

24.1.2.2.2 In buildings that are not protected by an automatic sprinkler system in accordance with Section 9.7, dwelling units of a residential occupancy shall be permitted to have their sole means of egress pass through a nonresidential occupancy in the same building, provided the following criteria are met:

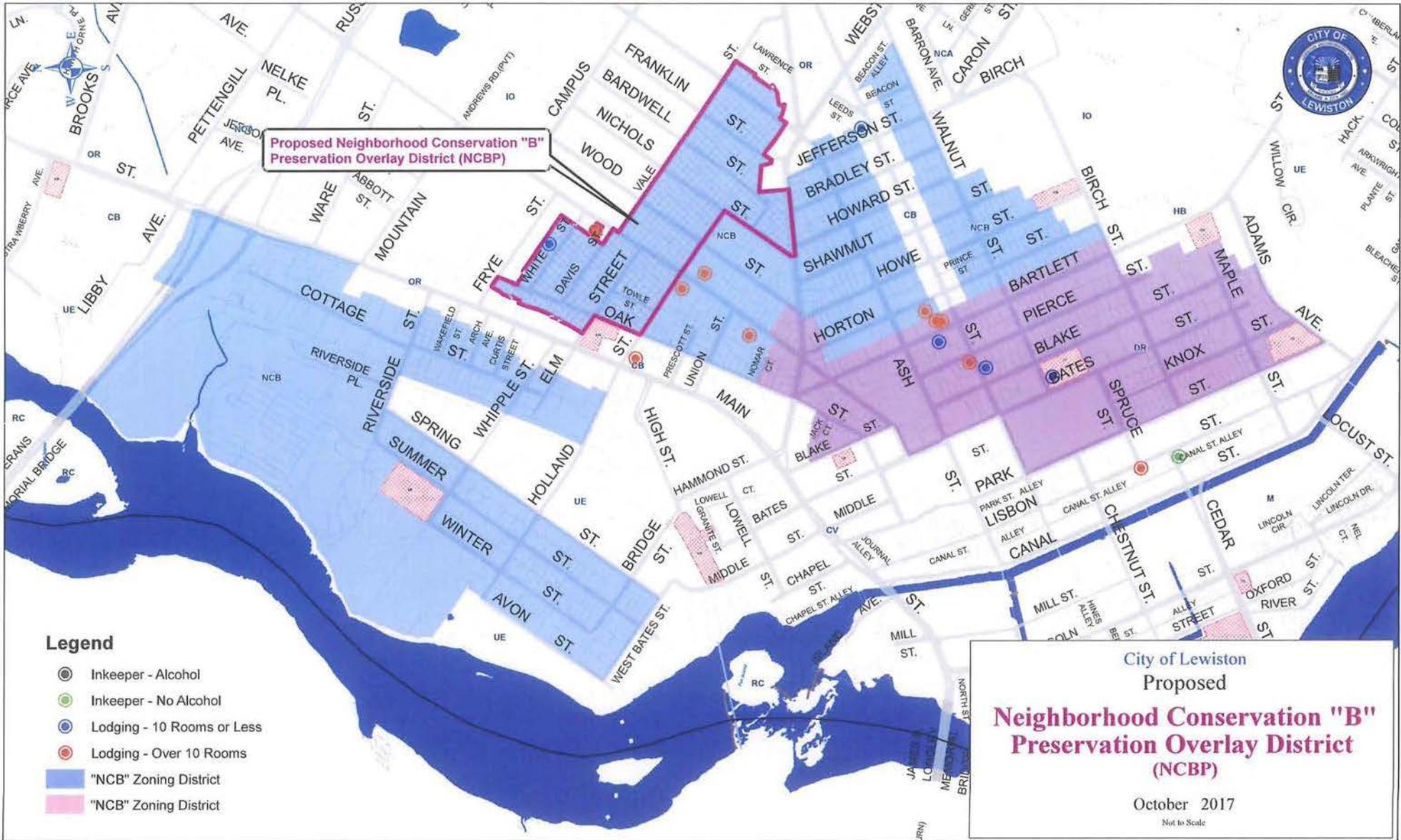
- (1) The sole means of egress from the dwelling unit of the residential occupancy to the exterior shall be separated from the remainder of the building by fire barriers having a minimum 1-hour fire resistance rating.
- (2) The dwelling unit of the residential occupancy shall comply with Chapter 24.
- (3) The sole means of egress from the dwelling unit of the residential occupancy shall not pass through a high-hazard contents area as defined in 6.2.2.4.

24.1.2.3 Multiple dwelling units of a residential occupancy shall be permitted to be located above a nonresidential occupancy only where one of the following conditions are met:

- (1) Where the dwelling unit of the residential occupancy and exits therefrom are separated from the nonresidential occupancy by construction having a minimum 1-hour fire resistance rating
- (2) Where the nonresidential occupancy is protected throughout by an approved, supervised automatic fire sprinkler system in accordance with Section 9.7
- (3) Where the nonresidential occupancy is protected throughout by an approved automatic fire detection system in accordance with Section 9.6



Legend



LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Public Hearing and First Passage regarding amendments to the General Assistance Ordinance regarding eligibility.

INFORMATION:

In October, the City Council approved amendments to the General Assistance ordinance which pertained to disqualification for 120 days for acts of fraud as well as a requirement for the applicant to reimburse the city for GA funds if these had been issued to the applicant.

The State DHHS Office is required to review these changes and amendments before they become effective, and they are now requiring the City to amend the ordinance again to incorporate language to allow a client to regain their eligibility in the program if they enter into a reasonable written payment reimbursement arrangement with the City.

Please see the attached memorandum from Sue Charron, General Assistance Director, for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EMB/kmm

REQUESTED ACTION:

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That the proposed amendments to the City Code of Ordinances, Chapter 46 "General Assistance" 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 GENERAL ASSISTANCE

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 46 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 46

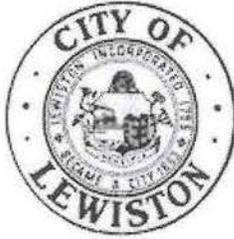
GENERAL ASSISTANCE

ARTICLE IV. DETERMINATION OF ELIGIBILITY

Sec. 46-94. Fraud.

- (b) *Period of ineligibility.* When the general assistance administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making himself eligible for general assistance, the administrator shall notify the applicant in writing that he has been disqualified from receiving assistance and is required to reimburse the municipality for any assistance rendered for which he was ineligible and is ineligible from receiving further assistance for 120 days and until that reimbursement is made, or the person enters into a written agreement, which must be reasonable under the circumstances. For the purpose of this section, a "material misrepresentation" is a false statement about an eligibility factor in the absence of which some or all of the assistance would not be or would not have been granted. The notification of disqualification issued by the administrator shall inform the applicant of his right to appeal the administrator's decision to the fair hearing authority within five working days of receipt. Unless modified by the fair hearing authority, the period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of disqualification, whichever is later.

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



**SOCIAL SERVICES DEPARTMENT
GENERAL ASSISTANCE DIVISION
SUE CHARRON**

MEMORANDUM

TO: Mayor Macdonald and Members of the City Council

FR: Sue Charron, Social Services Director

RE: G.A. Fraud Ordinance Changes

DT: November 21, 2017

On October 17, 2017, the council voted (6-1) to approve the General Assistance Ordinance changes. DHHS has reviewed the adopted fraud language and is requiring that language be added to the ordinance regarding a reasonable written payment arrangement.

In addition to persons being disqualified for fraud for 120 days, they are also responsible for reimbursing the municipality. The penalty is the longer of 120 days and until the reimbursement is made — Article III. Sec. 46-69 Period of disqualification (c) Fraud; and Article IV. Sec. 46-94 Fraud (b) Period of ineligibility.

The additional language only needs to be included in section 46-94. The revised language is bolded and underlined below:

... and until that reimbursement is made, **or the person enters into a written agreement, which must be reasonable under the circumstances.**

*City Hall • 27 Pine Street • Lewiston, Maine • 04240 • Voice Tel. 207-513-3130 • Fax 207-376-3229
• TTY/TDD 207 784-5999 • Email: scharron@lewistonmaine.gov*

The City of Lewiston does not discriminate against or exclude individuals from its municipal facilities, and/or in the delivery of its programs, activities and services based on an individual person's race, ancestry, color, religion, gender, age, physical or mental disability, veteran status, or limited English speaking ability. For more information about this policy, contact or call Compliance Officer Mike Paradis at (V) 207-513-3140, (TTY) 207-784-5999, or email mparadis@lewistonmaine.gov

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance regarding Tobacco Use Prohibited in Designated Hospital Areas.

INFORMATION:

The City has received a request from St. Mary's Hospital to designate the Section of Campus Avenue from Sabattus Street to Central Street as no smoking in support of their efforts to have the entire St. Mary's campus a no smoking area. This would include both the street and sidewalk area. This section of the street has no private residences or commercial properties, just frontage for the hospital, Bates College, and Lewiston Middle School. The hospital has spoken with school and college representatives who have indicated they are not opposed to the request. Staff has consulted with the City Attorney who has indicated that the City has the authority to adopt such regulations.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAT/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 50 "Offenses and Miscellaneous Provisions", Sections 50-19 and 50-20, "Prohibiting Tobacco Use in Designated Hospital Areas", 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.



COUNCIL ORDINANCE

Ordinance, Amending the Code of Ordinances to Adopt New Sections 50-19 and 50-20, Prohibiting Tobacco Use in Designated Hospital Areas.

Whereas, representatives of St. Mary's Hospital have requested that the use of tobacco products be prohibited in areas near and adjacent to its facility; and

Whereas, this is an element of the hospitals effort to create a tobacco free zone in and near its facility; and

Whereas, individuals seeking services from the hospital may experience negative health effects if exposed to second hand smoke; and

Whereas, reducing or eliminating tobacco use is an appropriate goal for health care facilities given the known negative health impacts of such products;

Now, therefore, the City of Lewiston hereby ordains that

The following sections are hereby added to the Lewiston Code of Ordinances.

Sec. 50-19. Prohibiting Tobacco Use in Designated Hospital Areas.

The use of tobacco products is prohibited in the following public rights of way, including public streets and sidewalks, with the exception of the use of such products by occupants of motorized vehicles traveling through the designated area:

- (a) Campus Avenue from Sabattus Street to Central Street, both sides.

Sec. 50-20. Penalty.

A violation of section 50-19 shall be subject to minimum fines as established by a policy adopted by the City Council.



St. Mary's Health System has been running a yearlong campaign to build awareness of a significant policy change that will be put in place on November 16, 2017 -

100% Smoke and Tobacco-Free Campuses at all properties owned by St. Mary's Health System.

The campaign launched on November 17, 2016 as we celebrated the nationally recognized Great American Smokeout (GASO), an effort spearheaded by the American Cancer Society. It was on that day we began our awareness campaign here at St. Mary's.

The following examples are components of the campaign to make St. Mary's Health System 100% Smoke & Tobacco-Free by November 16, 2017, this year's GASO.

Signs Displayed Around St. Mary's, Including the Current Outdoor Locations Designated for Smoking

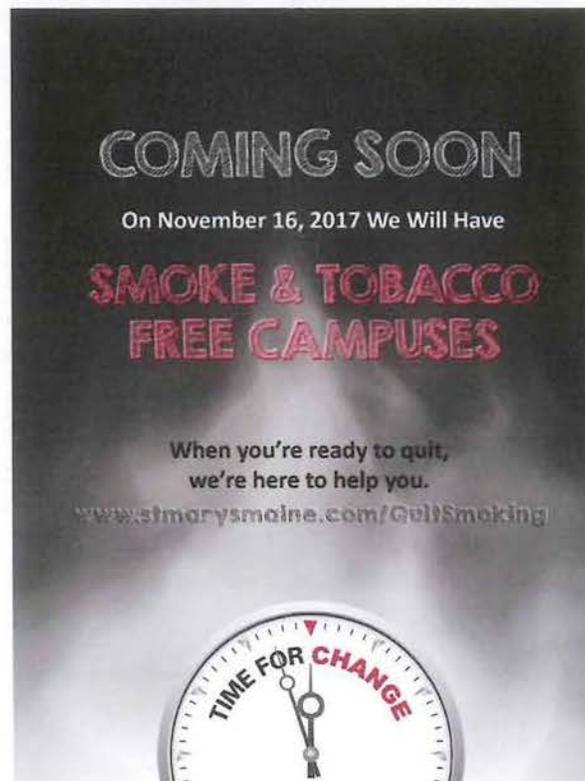


Digital Signs Displayed Around St. Mary's



 **COMING SOON**
On November 16, 2017, St. Mary's will have
SMOKE & TOBACCO FREE CAMPUSES

When you're ready to quit,
we're here to help you.
[www.stmarysmaine.com/
QuitSmoking](http://www.stmarysmaine.com/QuitSmoking)
Helpline
1-800-207-1230



COMING SOON
On November 16, 2017 We Will Have
**SMOKE & TOBACCO
FREE CAMPUSES**

When you're ready to quit,
we're here to help you.
www.stmarysmaine.com/QuitSmoking



Homepage Banner Image Rotating on the St. Mary's Website



Cover Image Rotating on the St. Mary's Facebook Page





Resource Sheet to Hand Out to Employees and Guests at St. Mary's

Resources for a Smoke and Tobacco Free Campus

Visit our website for links to helpful information: www.stmarysmaine.com/quit-smoking

Smoking Cessation Support - Partnership for a Tobacco Free Maine
When you're ready to quit, call the smoke-free line at 1-800-207-1230.

Maine Tobacco Helpline
<http://www.maine.gov/health/quit-smoking>

Tobacco Treatment Services Guide
<http://www.stmarysmaine.com/quit-smoking>

St. Mary's Prevention & Wellness Smoking Cessation - 100 North Main Street
300 South Avenue, 28 York, Lebanon, NH 04240 | Telephone: 772-8000

Program Type	Cost	Frequency	# of Sessions	Duration
Group	Free to employees	1x per week	2	30 minutes each and 270 minutes total
Individual	Free to employees	Ongoing	1 or 8	Call for Details

Five Keys to Quitting
<http://www.stmarysmaine.com/quit-smoking>

1. Get Ready
2. Get Help
3. Learn New Skills and Behaviors
4. Get and Use Medication
5. Be Prepared for Relapse

The QuitLine
www.quitline.com

No Smoking sign: A red circle with a diagonal slash over a black silhouette of a person smoking a cigarette.

Expert Minds. Caring Hands.
© 2014 St. Mary's Health System

Business Cards to Hand Out to Employees and Guests Seen Smoking on Premises After 11/16

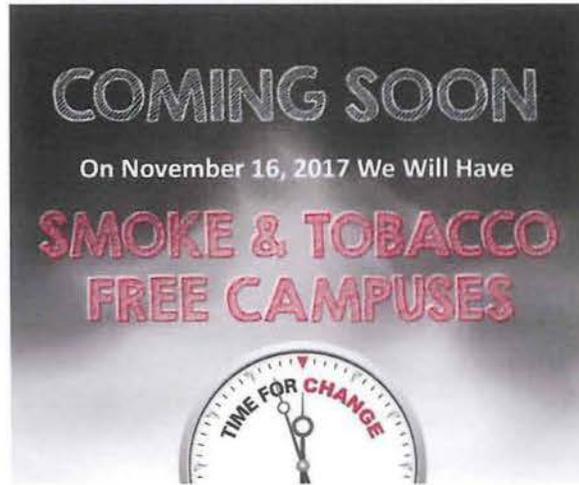


Front



Back

Table Tents on Display Around St. Mary's Health System



Smoking Cessation Support Resources on the St. Mary's Website

The screenshot shows the St. Mary's Health System website. At the top left is the logo and contact information: "ST. MARY'S HEALTH SYSTEM, A Member of Covenant Health, Lewiston, ME (207) 777-8100". A navigation bar contains links for "FIND A PROVIDER", "PRIMARY CARE", "SPECIALISTS", "DEPARTMENTS & HEALTH SERVICES", "SENIOR HEALTH & HOUSING", "PATIENT & VISITOR INFORMATION", and "SUPPORT ST. MARY'S".

The main content area is titled "Smoking Cessation Support". It includes a sub-header "Partnership For a Tobacco-Free Maine" and a call to action "1-800-207-1230". Below this, there are sections for "St. Mary's Prevention & Wellness - Smoking Cessation Meetings" and "Keys to Quitting".

On the right side of the page, there is a sidebar with a "PREVENTION AND WELLNESS" section listing resources like "Health Calculator", "HeadSteps Fitness Program", and "Smoking Cessation Support". Below this are icons for "Find A Provider", "Pay My Bill", "New Patient Appointment Request", and "Patient Portal".



Phone Message While on Hold on a St. Mary's Phone Line – Currently Running

Health and wellbeing is at the center of everything we do. Beginning November 16, 2017, St. Mary's will be a smoke and tobacco-free organization, this includes all St. Mary's parking lots.

The St. Mary's Smoke and Tobacco-Free Policy Committee is made up of employees from across the system, with representatives from Prevention and Wellness, WorkMed, Behavioral Services, Oncology, Marketing, Pharmacy and more.

The purpose of this new policy is to eliminate involuntary exposure to secondhand smoke by patients, staff, and visitors at all St. Mary's locations.

Currently, 37 of 39 hospitals in the State of Maine are smoke-free and tobacco-free. According to the U.S. Surgeon General, there is no risk-free level of exposure to secondhand smoke and tobacco use, in any form, active or passive, it is a serious health hazard.

The new policy will focus on refraining from smoke and tobacco use on the property for the protection and integrity of the environment and the health of all who enter our campuses.

While the purpose of the policy is not to force smokers to quit, a smoke and tobacco-free policy will offer support to current smokers who desire to quit, encouraging them to seek treatment for their smoke and/or tobacco use.

Remember, beginning November 16, 2017, St. Mary's will be a smoke and tobacco-free organization.



Lewiston Area Public Health Committee

Ronnie Paradis, Chair
Retired Public Health Nurse
rparadisrn@roadrunner.com

Erin Guay, Vice Chair
Healthy Androscoggin Executive Director
guayER@cmhc.org

www.lewistonmaine.gov/publichealth - (207) 513-3018

August 15, 2017

Dear Members of the Lewiston City Council:

We wish to endorse the efforts of St. Mary's Health System as they work toward having 100% smoke and tobacco-free campuses for all employees, patients, and guests beginning November 16, 2017.

Representatives of the Smoke and Tobacco-Free Committee of St. Mary's Health System attended the July 13, 2017, meeting of the Lewiston Area Public Health Committee. While our discussion included details of their efforts, they were keenly interested in what the process would entail having an ordinance put in place to create a no-smoking zone on the sidewalks running the length of Campus Avenue from Sabattus Street to Central Avenue.

St. Mary's is proving their commitment to this effort in many ways. The initiative is being led by staff from across the health system. Resources are being made available for smoking cessation support. Staff has run a year-long awareness campaign leading up to November 16, marketing collateral has been developed to support a culture change and build awareness, banner signs are being produced for light poles on campus, signs will be hung at all St. Mary's owned properties, and outreach to neighboring property owners has occurred. The staff at St. Mary's understands that while this effort will pose many challenges, it is a valuable effort in their promotion of good health and providing a healthy environment on their properties.

Our hope is that the Lewiston City Council will strongly consider this request and pass a no-smoking ordinance on the designated section of sidewalks.

Sincerely,

Ronnie Paradis, RN, Chair

On Behalf of the Lewiston Area Public Health Committee

LEWISTON PUBLIC SCHOOLS



36 Oak Street
Lewiston, ME 04240
www.lewistonpublicschools.org
TDD: 207-795-4100
FAX: 207-795-4177

Administration: 207-795-4100
Business: 207-795-4104
Curriculum: 207-795-4103
ELL Program: 207-795-4105
Maintenance: 207-795-4107
Nutrition: 207-795-4106
Payroll: 207-795-4109
Special Education: 207-795-4108
Technology: 207-753-6416

August 15, 2017

Dear City Councilors,

I wish to endorse the efforts of St. Mary's Health System, as they work towards having 100% smoke and tobacco-free campuses for all employees, patients, and guests beginning November 16, 2017.

In a discussion I had with Dawn Gilbert, Director of St. Mary's Prevention and Wellness she shared details of St. Mary's efforts toward having smoke and tobacco-free campuses and their interest in the potential of having an ordinance put in place to create a no smoking zone on the sidewalks running the length of Campus Avenue, from Sabattus Street to Central Avenue.

While promoting good health and providing a healthy environment is a valuable ideal, the staff understands that by having smoke and tobacco-free campuses some smokers will simply go to the sidewalk in front of the hospital or adjacent to Lewiston Middle School and Bates College. St. Mary's is being proactive in trying to avoid this migration, and I support their effort.

The hope is that the Lewiston City Council will strongly consider St. Mary's request and pass a no-smoking ordinance on the designated section of sidewalks.

Sincerely,

A handwritten signature in black ink that reads "William Webster, Jr." in a cursive style.

William Webster, Jr.
Superintendent of Schools

WW/spt

Twitter: @LewistonSuper
Facebook: Lewiston Public Schools Superintendent

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Public Hearing and First Passage on amendments to the Traffic and Vehicles Ordinance regarding the establishment of an Excise Tax Exemption for Maine Residents on Active Military Duty stationed outside of Maine.

INFORMATION: Members of the Military stationed in the State of Maine have been exempt under state law from the automobile excise tax for some time. Subsequent to various military base closings, very few active military are now stationed in Maine. In 2011, the legislature adopted a statute to allow local governments the option, at their discretion, to adopt an ordinance to provide this exemption to residents who are on active duty and are either permanently stationed at a military base outside of the state or who are deployed for military service for a period of more than 180 days, including those in the National Guard or Reserves. A copy of that law is attached. We have been contacted by the spouse of a resident on active military duty who is stationed at Fort Devens in Massachusetts, who indicated a desire to have the City Council adopt this local option for Lewiston residents. Councilor Lysen has requested that the Council consider this request. A copy of the email from the resident requesting this change is attached.

Some communities have adopted such an ordinance including Bangor, Portland, and Biddeford. Others have not, including Auburn, South Portland, and Lisbon. Historically, Maine communities have been opposed to the extension of exemptions to taxes given the relatively limited revenue sources available to us. This concern was expressed by representatives of the Maine Municipal Association during the legislative hearings on this legislation, as was the concern that the law was not clear on whether the exemption would apply to all vehicles owned by the eligible applicant or just one.

The primary impact of adopting such an ordinance would be the loss of excise tax on exempt vehicles. Since we do not know the number of individuals who might be eligible, it is impossible to estimate the impact; however, in talking to other communities, it seems unlikely that there are significant numbers of eligible individuals. As a result, the revenue loss is likely to be fairly small.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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That the proposed amendment to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Sections 70 - 300 through 70-303 "Vehicle Registration and Excise Tax Exemption" 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.



COUNCIL ORDINANCE

Ordinance, Establishing an Excise Tax Exemption for Maine Residents on Active Duty with the Armed Forces Who are Stationed Outside of the State of Maine or who are Deployed for Military Service for More than One Hundred Eighty Days.

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

Chapter 70, Traffic and Vehicles, is hereby amended in the Code or Ordinances as follows:

Chapter 70: Traffic and Vehicles

Article VII: Vehicle Registration and Excise Tax Exemption

Sec. 70-300. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Deployed for military service is defined by Title 26, § 814, Subsection 1, Paragraph A, of the Maine Revised Statutes, active military duty with the state military forces, as defined in Title 37-B, § 102, of the Maine Revised Statutes, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to the order of the Governor or the President of the United States, when the duty assignment is in combat theatre or in an area where armed conflict is taking place.

Vehicle means a motor vehicle, mobile home, camper trailer, heavier-than-air aircraft or lighter-than-air aircraft. "Vehicle" does not include any snowmobiles as defined in Maine Revised Statutes, Title 36, Section 13001.

Sec. 70-301. Exemption granted.

Pursuant to Title 36, § 1483-A, of the Maine Revised Statutes, the City shall exempt from the annual excise tax imposed pursuant to Title 36, Section 1482, of the Maine Revised Statutes vehicles owned by a Maine resident who is on active duty serving in the Armed Forces of the United States as defined by Title 36, § 1483-A, of the Maine Revised Statutes and who is permanently stationed at a military or naval post, station or base outside of the State of Maine or who is deployed for military service for more than 180 days. To apply for the exemption the resident must provide documentation as required pursuant to Title 36, § 1483-A, of the Maine Revised Statutes to the Tax Collector or his/her designee and comply with any policies or rules imposed by the Maine Bureau of Motor Vehicles or Maine Revenue Services in relation to registration procedures or the collection of excise tax.

[Type text]

Sec. 70-302. Application

To apply for the exemption, the resident must present to the Tax Collector or such other officials as the Finance Director may designate an official certification from the commander of the residents post, station, or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station, or base or is deployed for military service for a period of more than 180 days. Such certifications must be renewed on an annual basis.

Sec. 70-303. Effective Date.

This exemption shall be effective for excise taxes due and payable as of the month following the effective date of this ordinance.



EXECUTIVE

Edward A. Barrett, City Administrator
Denis D'Auteuil, Deputy City Administrator

November 9, 2017

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Local Option Excise Tax Exemption for Military on Active Duty Stationed Outside the State

For many years, members of the Military stationed in the State of Maine have been exempt from the automobile excise tax. Subsequent to various military base closings, we now have very few active military stationed in Maine. In 2011, the legislature adopted a statute to allow local governments the option, at their discretion, to adopt an ordinance to provide this exemption to residents who are on active duty and are either permanently stationed at a military base outside of the state or who are deployed for military service for a period of more than 180 days, including those in the National Guard or Reserves. A copy of that law is attached.

I was contacted by Mr. Ryan James, the spouse of a resident on active military duty who is stationed at Fort Devens in Massachusetts, who indicated a desire to have the City Council adopt this local option for Lewiston residents. I suggested that he contact his Councilor, Jim Lysen, which he did, and Councilor Lysen has requested that the Council consider this request. A copy of Mr. James' email is attached.

Some communities have adopted such an ordinance, including Bangor, Portland, and Biddeford. Others have not, including Auburn, South Portland, and Lisbon. Mr. James included in his email a list of Cities that he had contacted that have adopted the ordinance. We've checked with some of them, and not all of the listed communities have done so. I suspect the discrepancy is due to confusion over the question of whether a local option has been adopted, since some of those contacted may have indicated that they do provide the exemption, but were referencing the initial mandated exemption for military serving in Maine.

Historically, Maine communities have been opposed to the extension of exemptions to taxes given the relatively limited revenue sources available to us. This concern was expressed by representatives of the Maine Municipal Association during the legislative hearings on this legislation, as was the concern that the law was not clear on whether the exemption would apply to all vehicles owned by the eligible applicant or just one.

The primary impact of adopting such an ordinance would be the loss of excise tax on exempt vehicles. Since we do not know the number of individuals who might be eligible, it is impossible to estimate the impact; however, in talking to other communities, it seems unlikely that there are significant numbers of eligible individuals. As a result, the revenue loss is likely to be fairly small.

A draft ordinance is attached for your review and discussion.

Ed Barrett

Subject: FW: Request: 1483-A. Local option exemption for residents permanently stationed or deployed for military service outside of the State

From: Ryan James [rjames1222@yahoo.com]

Sent: Wednesday, October 18, 2017 3:30 PM

To: James Lysen

Subject: Request: 1483-A. Local option exemption for residents permanently stationed or deployed for military service outside of the State

Good afternoon Mr. Lysen,

My name is Ryan James. my spouse and I are residence of the city of Lewiston living at 4 Buttonwood Lane. I had a conversation with the City Administrator just over a week ago and was referred to you regarding the request for an ordnance to be presented to City Counsel and put into effect allowing for the exemption of excise tax for active duty military personnel living in Maine stationed outside the state complying with Maine Statute 1483-a.

Currently there is a state law requiring municipalities to exempt active duty military personnel stationed and residing in Maine an excise tax exemption excluding National Guard and Reservists. In 2011 an Amendment to this law was presented and put into effect in January 2012 recognizing the State of Maine does not have any non- National Guard bases located in the state making the current law outdated with out the amendment where as no active duty military personnel living in Maine would qualify for the exemption. This was first brought to light by me in October 2016, again in February 2017 and most recently October 2017 when my husband and I registered our vehicles. The City of Lewiston offered no remedy to this issue for us until I got Senator Susan Collins office involved in February 2017 and then last week when I was finally referred to the City's Administrator who referred me to you.

Where the amendment allows for a local option to be provided by ordnance and the City currently does not have an ordnance recognizing the amendment Susan Collins office was unable to assist where its at the municipality level but did express that the City of Lewiston was one of the very few if not now the only municipality not honoring this exemption. After making many phone calls and researching surrounding towns I have provided you below with a list of some of the towns currently honoring the amendment, some with out an official ordnance in place, unlike the City of Lewiston.

To expand further, we own our home in Lewiston, we pay property tax on our home in the City of Lewiston. In addition to that, though my husband is stationed at an Army base in the state of Massachusetts, because his home of record and domicile is Lewiston Maine our state income tax for both he and I are paid to the state of Maine. The state of Massachusetts does also honor the registration exemption for active duty personnel but because we are Maine residence we are unable to qualify for this benefit in Massachusetts because we are Maine residents and because The city of Lewiston doesn't honor the amendment we do not qualify for this benefit because he works in Massachusetts. I am sure my explanation can help you understand our frustration with this and will hopefully more so when discovering that all surrounding towns and cities do in fact honor it with the exclusion of Lewiston.

We are looking for your help to get an ordnance put in place to recognize the 2012 amendment to our state law exempting any and all current active duty military members and their spouses stationed in or outside the state of Maine who currently reside in Maine choosing to register their motor vehicles in the state they live in and pay taxes in. I look forward to hearing from you on this matter and would be more than happy to assist with any further information you may be interested in, the local Judge Advocate Generals office along with Senator Susan Collins office also stated they would be more than happy to assist us on this matter with the City if necessary.

These are the few cities around that I contacted and confirmed are honoring the amendment with and some with out an official ordnance in place.F

Auburn, Greene, Lisbon, Minot, Sabattus, Lisbon, Gray, New Gloucester, Turner, Augusta, Winthrop, Oxford, Freeport, Gorham, Portland, South Portland, Westbrook, Windham +++

Very Respectfully,

Maine Revised Statutes

Title 36: TAXATION

Part 2: PROPERTY TAXES

Chapter 111: AIRCRAFT, HOUSE TRAILERS AND MOTOR VEHICLES

§1483-A. Local option exemption for residents permanently stationed or deployed for military service outside of the State

A municipality may by ordinance exempt from the annual excise tax imposed pursuant to section 1482 vehicles owned by a resident who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days who desires to register that resident's vehicle in this State. To apply for the exemption, the resident must present to a designated municipal official certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days. For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces. For purposes of this section, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A. [2011, c. 313, §1 (NEW); 2011, c. 313, §2 (AFF).]

SECTION HISTORY

2011, c. 313, §1 (NEW). 2011, c. 313, §2 (AFF).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

[Office of the Revisor of Statutes \(mailto:webmaster_ros@legislature.maine.gov\)](mailto:webmaster_ros@legislature.maine.gov) • 7 State House Station • State House Room 108 • Augusta, Maine 04333-0007

Page composed on 01/05/2017 10:46:57.

15 Lincoln Drive

5-15-15

I Daphne James sold
my home at 15 Lincoln
Dr, Lewiston ME 04240
for one Gold U.S Dollar
A home AS IS where
is with any later
Taxes and are the
responsibility of buyer
Chickering

5-15-15 Daphne

James.

5-15-15 Tanya Chickering

witness

5-15-15 p Daphne (GHS)

Tanya Chickering
15 Lincoln Drive
Lew. ME 04240



TRUSTEE'S DEED

KNOW ALL MEN BY THESE PRESENTS, that I, **STANLEY SCLAR**, as
Trustee of Franklin Property Trust, of Lewiston, County of Androscoggin, State of
Maine, by the power conferred by law, and every other power for consideration paid, grants
to **FRANKLIN PROPERTY TRUST LLC**, a Maine limited liability company of
Lewiston, County of Androscoggin, State of Maine, the land in Lewiston, County of
Androscoggin, State of Maine, bounded and described as follows:

All its right, title and interest in and to any and all real estate, on or off record,
wherever situated.

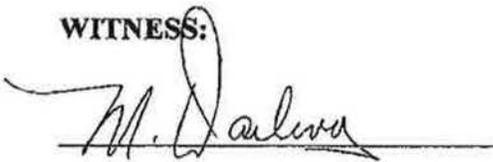
Also conveying all its right, title and interest in and to any and all easements, future
interests, water rights, flowage rights, whether on or off record, wherever situated.

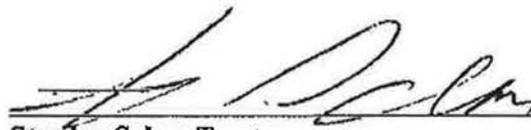
The foregoing shall include so much of those premises owned by the Grantor as are
described in the Confirmatory Deed of the liquidating trustee of Franklin Company dated
July 19, 1979 and recorded in the Androscoggin County Registry of Deeds in Book 1416,
Page 37 et seq.

For Grantor's source of title, reference may be had to a deed from Franklin Company
to Franklin Property Trust dated September 10, 1976 and recorded in said Registry of Deeds
in Book 1226, Page 330.

WITNESS my hand and seal in said capacity this sixteenth day of January, 2008.

WITNESS:




Stanley Sclar, Trustee

NO MAINE R.E.
TRANSFER TAX PAID

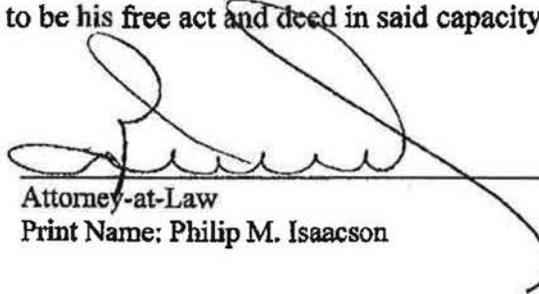


STATE OF MAINE
ANDROSCOGGIN, SS.

JANUARY 16, 2008

Then personally appeared the above-named Stanley Sclar, Trustee, and acknowledged the foregoing instrument to be his free act and deed in said capacity.

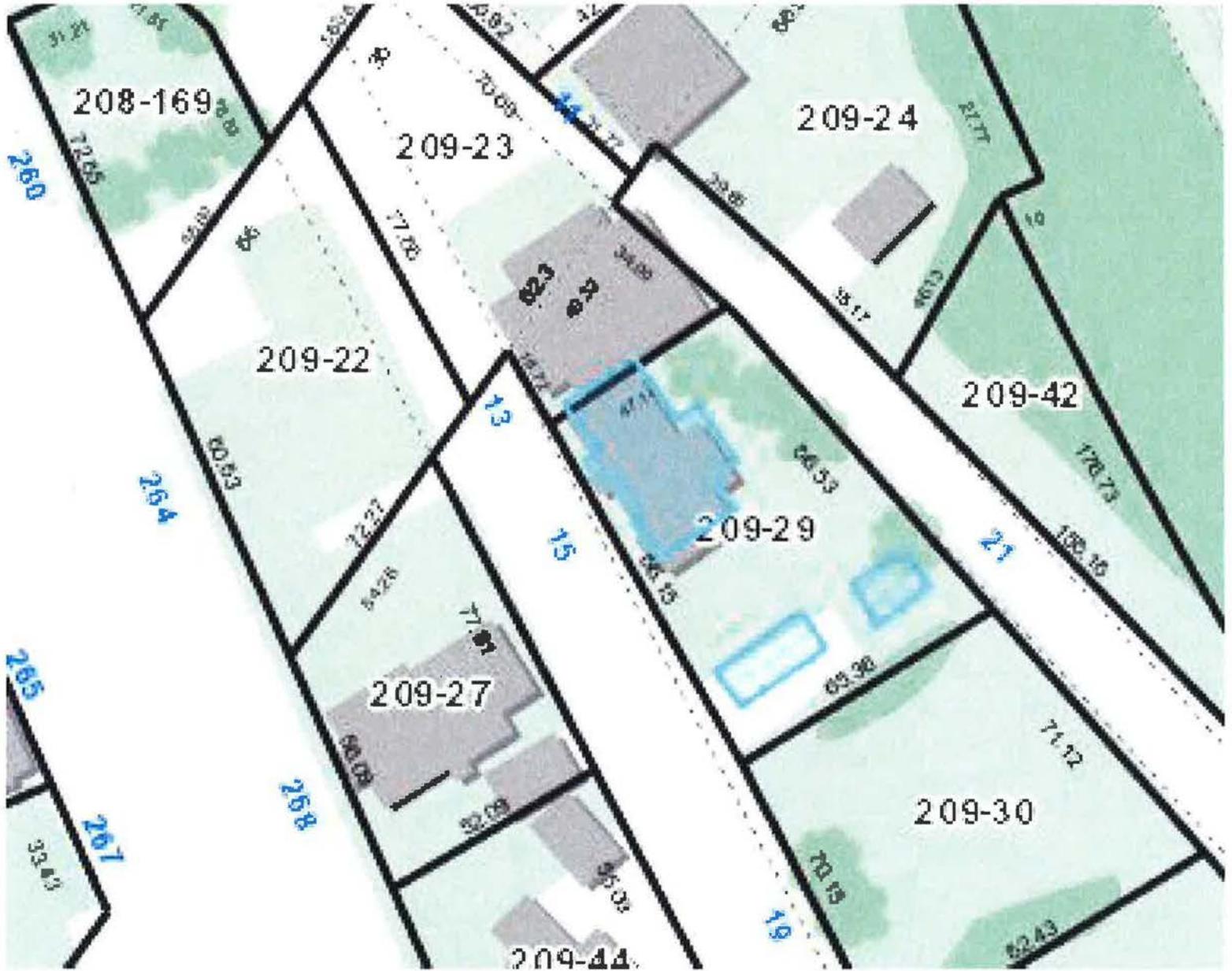
Before me,



Attorney-at-Law
Print Name: Philip M. Isaacson

drc K:\SANDIE\CLIENTS\CLAR\SCHAIR PURCHASE\Trustee Deed to Franklin Property Trust LLC.doc

ANDROSCOGGIN COUNTY
Tina M. Charnock
REGISTER OF DEEDS



PARID: RE00007076

Parcel

Parcel ID RE00007076
 Map/Lot 209/000/029
 Property Location 15 LINCOLN DRIVE
 Property Class Bldg on Franklin Co Land
 Land Area (acreage)

Owners

Owner CHICKERING TANYA

Address 84 HACKETT ST 2ND FL
 City LEWISTON
 State ME
 Zip 04240
 Book
 Page

Sales History

Date	Amount	Book	Page
05/15/2015	\$1		
07/01/2010	\$13,500		
04/04/2005	\$0		
01/25/2004	\$0		

Primary Building

Style CONVENT
 Year Built 1901
 Stories 1
 Attic 4-FULL-FIN
 Fuel Type 1-OIL
 Heat System 3-HOT WATER
 Heat/AC Type 2-BASIC
 Fireplaces 0
 Total Rooms 6
 Bedrooms 3
 Kitchens
 Full Baths 1
 Half Baths
 Basement 6-FULL
 Basement Garage Spaces
 Finished Basement Area 0
 Basement Rec Room Area
 Unfinished/Cathedral Area
 Living Area 1,030

OBY

Description	Area/Quantity
-------------	---------------

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

Tanya Chickering
15 Lincoln Drive
Lewiston, Maine 04240

Franklin Property Trust
c/o Ronald Bissonnette
75 Park Street
Lewiston, Maine 04240

15 LINCOLN DRIVE, LEWISTON, MAINE

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

November 21, 2017 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

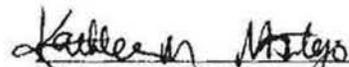
The hearing is regarding the building at 15 Lincoln Drive, Lewiston, Maine, identified as Parcel ID 00-007076 on the City of Lewiston Tax Maps, and further described in a deed recorded in the Androscoggin County Registry of Deeds at Book 7352, Page 348. The hearing is to determine whether the building is a nuisance or dangerous, within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the building is a nuisance or dangerous, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the building. The City may then recover all of its expenses, pursuant to 17 M.R.S. § 2853, by means of a special tax or civil action. If the corrective action is not taken by the deadline established by the City Council's order and no appeal is taken, the City may take the corrective action.

This hearing is also to determine whether the building poses a serious threat to public health and safety, within the meaning of 17 M.R.S. § 2856, and must be secured. If the City secures the building, it may then recover all of its expenses, pursuant to 17 M.R.S. § 2853, by means of a special tax or civil action.

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

October 20, 2017

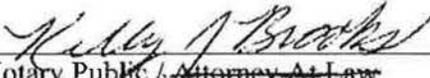

Kathleen M. Montejo, City Clerk



STATE OF MAINE
ANDROSCOGGIN, ss

October 20, 2017

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



Notary Public / ~~Attorney At Law~~

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

10-31-17
A

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
15 Lincoln Drive, Lewiston, Maine
Dangerous Buildings

On 10-31, 2017, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Tanya Chickering, as follows:

Tanya Chickering
15 Lincoln Drive
Lewiston, ME 04240

Costs of Service:

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

J. [Signature]
Signature

Androscoggin 50
Agency



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

Tanya Chickering
15 Lincoln Drive
Lewiston, Maine 04240

Franklin Property Trust
c/o Ronald Bissonnette
75 Park Street
Lewiston, Maine 04240

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November 21, 2017 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

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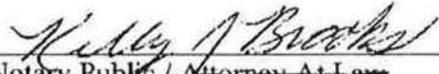
October 20, 2017


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

October 20, 2017

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



Notary Public / ~~Attorney At Law~~

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

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
15 Lincoln Drive, Lewiston, Maine
Dangerous Buildings

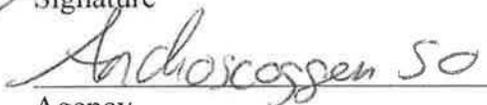
On 10-26, 2017, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Franklin Property Trust, as follows:

Franklin Property Trust
c/o Ronald Bissonnette, Registered Agent
Isaacson & Raymond
75 Park Street
Lewiston, ME 04240

Costs of Service:

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



Signature


Agency



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

Tanya Chickering
15 Lincoln Drive
Lewiston, Maine 04240

Franklin Property Trust
c/o Ronald Bissonnette
75 Park Street
Lewiston, Maine 04240

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Lewiston City Hall
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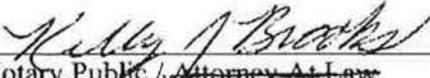
October 20, 2017


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

October 20, 2017

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



Notary Public / ~~Attorney At Law~~

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

**15 Lincoln
Drive**

**Photos taken
September 18,
2017 and
November 3,
2017. Front
view of
building
showing
deteriorated
roofing and
broken
windows.**



**EXHIBIT
G**

Photo # 2 shows a broken window with debris about the ground including shards of glass creating hazardous conditions.

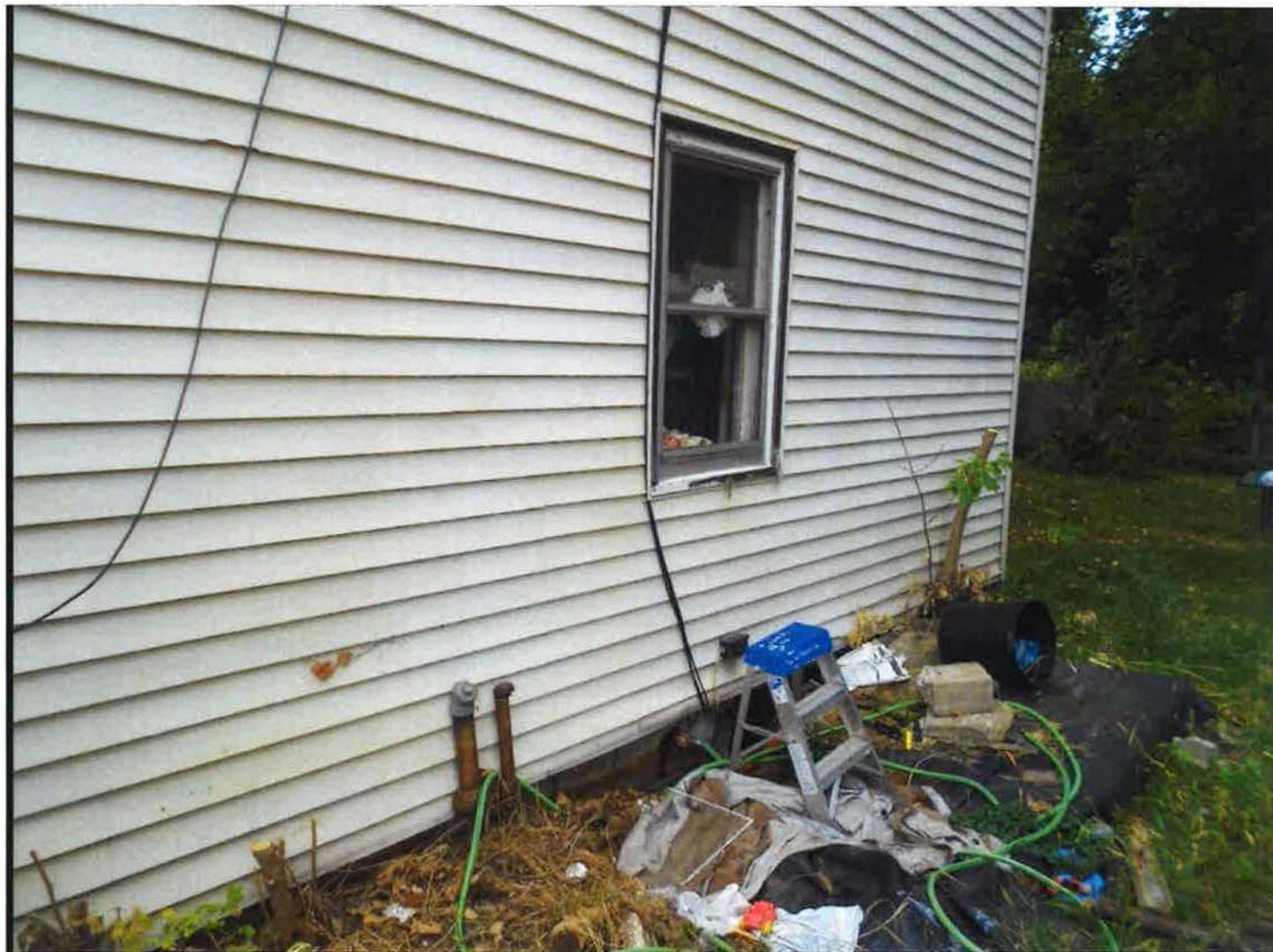


Photo # 3 shows an opening into the basement because of a failure of the foundation, making the structure unstable, and allowing for the entry of vermin and the elements.



Photo # 4 shows additional broken windows, and the progressive collapse of the enclosed rear porch due soils and structural instability.

The rear door is unsecured. Note the close proximity of an adjacent residence increasing the threat of the spread of fire.





**Photo # 5
shows a close
up view of a
broken
window with
deteriorated
window trim.**



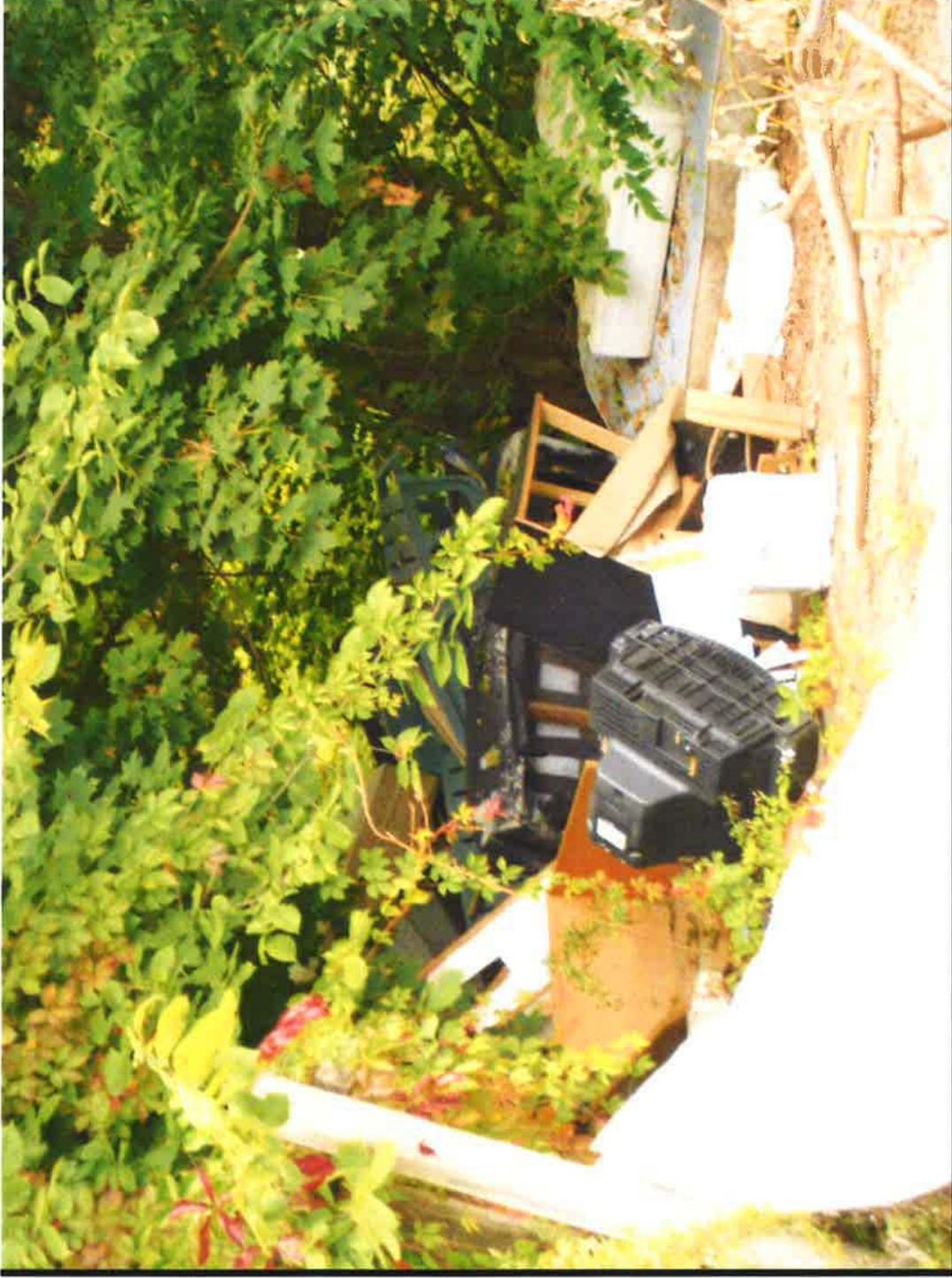
**Photo # 6
shows a
broken
window.**



Photo # 7 shows an excessive amount of debris making for hazardous conditions due to fire loading.



**Photo # 8
shows more
debris.**



**Photo # 9
shows even
more
debris.**



**Photo # 10
shows kitchen
with rotting
food products
and garbage
making for
unsanitary
conditions.**



**Photo # 11
shows an
example of
debris
contributing to
fire loading.**

**Photo # 12
shows damage
and
deterioration
from the entry of
moisture due to
deteriorated
roofing and a
broken window**



**Photo # 13 shows
an example of
hazardous wiring
conditions leaving
exposed
conductors
making it
dangerous if
reenergized.**



**Photo # 14
shows a toilet
with feces
unable to be
flushed due to
the
disconnection of
water service
making for
unsanitary
conditions.**



**Photo # 15
shows
severely
deteriorated
plaster
leaving
lathing
exposed and
allowing for
the
accelerated
spread of fire.**



**Photo # 15
shows
another
example of
deteriorated
plaster
allowing for
the
accelerated
spread of fire.
This is also
indicative of
the structural
failure of the
building.**



**Photo # 15
shows the
access way to
the basement
blocked
preventing
the entry to
the
basement.**



LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT:

Condemnation Hearing for the building located at 15 Lincoln Drive.

INFORMATION:

The City has begun the process for condemnation of the property at 15 Lincoln Drive under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmn

REQUESTED ACTION:

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

1) To conduct a hearing to determine if the building located at 15 Lincoln Drive has met the dangerous building statutes as defined in Title 17, sec. 2851 et all.

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

2) With regard to the property at 15 Lincoln Drive, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT:

Condemnation Hearing for the building located at 235 Lincoln Street.

INFORMATION:

The City has begun the process for condemnation of the property at 235 Lincoln Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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

1) To conduct a hearing to determine if the building located at 235 Lincoln Street has met the dangerous building statutes as defined in Title 17, sec. 2851 et all.

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

2) With regard to the property at 235 Lincoln Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

m.T R.S. NS.

231 LINCOLN S

~~WARRANTY DEED~~/BILL OF SALE

Mickey Torres of 212 Pond Road Lewiston, Maine, Leslie Scott and Robert Scott both of Lewiston, Maine for consideration paid, conveys to Investment Properties, LLC, a Maine limited liability company with a mailing address of 474 Fort Hill Road, Gorham, ME 04038 with WARRANTY COVENANTS, the building and all appurtenant rights located on lease land owned by Franklin Company at 23^{R.S. LS. M.T.} Lincoln Street in Lewiston, Maine identified by the City of Lewiston as parcel ID# 00-006513.

Also, hereby conveying all rights, easements, privileges and appurtenances belong to the property and subject to any easements, covenants and restrictions of record.

WITNESS our hand and seal this day of September, 2014.

Mickey Torres
Mickey Torres

Leslie Scott
Leslie Scott

Robert Scott
Robert Scott

STATE OF MAINE
Androscoggin, SS.

September 12, 2014

Personally appeared the above-named Mickey Torres and acknowledged the foregoing instrument to be her free act and deed.

Before me,

[Signature]
Notary Public - Attorney
Print name: Matthew Mastropiccolo
#9184

STATE OF MAINE
Androscoggin, SS.

September , 2014

Personally appeared the above-named Leslie Scott and Robert Scott and acknowledged the foregoing instrument to be her free act and deed.

Before me,

[Signature]
Notary public - Attorney
Print name: Matthew Mastropiccolo
#9184



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STATE OF MAINE

ANDROSCOGGIN COUNTY, ss.

DISTRICT COURT

CIVIL ACTION

DISTRICT NO. VIII

DOCKET NO. LEWDC-SA-2016-01098

CITY OF LEWISTON,
Plaintiff
VS.
INVESTMENT PROPERTIES, LLC,
Defendant

DISCLOSURE

NOVEMBER 15, 2016
LEWISTON, MAINE

BEFORE:

THE HONORABLE RICK E. LAWRENCE
JUDGE OF THE DISTRICT COURT

APPEARANCES:

ON BEHALF OF THE PLAINTIFF:
MICHAEL CAREY, ESQ.

ON BEHALF OF THE DEFENDANT:
WILLIAM VICKERSON, ESQ.

REPORTED BY:

Sandy
John Allen, Intern

TRANSCRIBED BY:

ESCRIBERS, LLC
352 Seventh Avenue, Suite #604
New York, NY 10001



1 MR. CAREY: Yes, Your Honor. We'd call Frederick
2 Lockwood.

3 THE COURT OFFICER: Please come to the witness stand.
4 When you reach the witness stand, remain standing, face the
5 judge, and raise your right hand.

6 THE COURT: Do you swear the testimony you're about to
7 give in this proceeding is the truth, the whole truth, and
8 nothing but the truth?

9 MR. LOCKWOOD: Yes, Your Honor.

10 THE COURT: Thank you. Please have a seat. And once you
11 get settled into the witness stand, I'm just going to ask you
12 to state your full name for the record, including middle
13 initial, if any. Go ahead, sir.

14 THE WITNESS: Frederick L. Lockwood, III.

15 THE COURT: And let me just get the correct spelling on
16 the last name.

17 THE WITNESS: L-O-C-K-W-O-O-D.

18 THE COURT: Thank you very much.

19 Counsel, go ahead.

20 MR. CAREY: Thank you, Your Honor.

21 FREDERICK LOCKWOOD, III, HAVING BEEN DULY SWORN,
22 TESTIFIED AS FOLLOWS:

23 DIRECT EXAMINATION BY MR. CAREY:

24 Q Mr. Lockwood, you're the sole member of Investment
25 Properties, LLC?

1 A That's correct.

2 Q You're the only person to operate on behalf of
3 Investment Properties, LLC?

4 A That's correct.

5 Q Including, with respect to the City of Lewiston, any
6 code violations?

7 A Not sure of the question.

8 Q You're the only -- you're the person that operates on
9 behalf of the entity?

10 A Yes.

11 Q For the -- with the City?

12 A Yes.

13 Q In terms of your Lewiston properties, what do you owe
14 on those properties?

15 A Well, you have the disclosure paperwork with you; you
16 tell me. I'm not sure, to be honest with you. My
17 accountant prepared it all for you, and you have a copy
18 of that. You tell me, and then, we'll both know. I'm
19 not sure. I'm not sure.

20 Q Is -- is -- do you owe about one million, or about two
21 million, sir?

22 A I -- I don't know. As I said, I'm not sure.

23 Q May I --

24 MR. CAREY: Your Honor, if I may approach the bench?

25 THE COURT: Yes.

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CERTIFICATION

I HEREBY CERTIFY, that the foregoing, pages 1 through 47,
is a true transcript of a CD recorded on Tuesday, November 15,
2016, at the Androscoggin County District Court located at
Lewiston, Maine, of the case entitled, CITY OF LEWISTON V.
INVESTMENT PROPERTIES, LLC, to the best of my professional
skills and abilities.

December 27, 2016



RUTH COOK
Court-Approved Transcriber

STATE OF MAINE
Androscoggin, SS

DISTRICT COURT
District Eight, Div. of So. Androscoggin
Docket No. CV-17-27

CITY OF LEWISTON,)
)
Plaintiff,)
)
v.)
)
INVESTMENT PROPERTIES, LLC)
AND)
FREDERICK L. LOCKWOOD,)
)
Defendants.)

ORDER AND JUDGMENT

This is a land use enforcement case brought by the City of Lewiston (“City” or “Lewiston”) pursuant to M.R. Civ. P. 80K. The City has brought a Motion for Judgment as a Matter of Law, pursuant to M.R. Civ. P. 50(d), with respect to Defendants Investment Properties, LLC and Frederick L. Lockwood. This Court takes as true the allegations in the Complaint; the final order in Docket CV-16-598, which was not appealed, issued by this court on December 22, 2016; representations made at the initial appearance on this matter; and, the Bill of Costs and Affidavit of Michael E. Carey submitted at the initial appearance on this matter, and hereby FINDS:

1. The violations are located at 141 Bartlett Street, Lewiston (the “Premises”).
2. Defendant Investment Properties, LLC has abused the privilege of a separate corporate identity and is not recognized to have a corporate identity that is separate from Defendant Frederick L. Lockwood (Defendants are collectively referred to as “Owners”).
3. On December 13, 2016, Lewiston Code Enforcement Officer Jeffrey Baril issued a Notice of Violation (“NOV I”) to Owners for violations located at the Premises.
4. On December 20, 2016, Lewiston Code Enforcement Officer Thomas Maynard issued a Notice of Violation (“NOV II”) to Owners for violations located at the Premises.
5. NOV I and NOV II detailed the conditions of the Property, referred to the specific code provisions that the conditions violated, informed the Owners of the right to dispute the order and how that right is exercised by appeal, and specified the consequences of the failure to appeal.
6. Owners did not appeal either NOV I or NOV II.



7. Owners are now precluded by the doctrine of *res judicata* from disputing the conditions of the Property as set forth in NOV I and NOV II, and the fact that those conditions violate the City of Lewiston Code of Ordinances and Maine law.
8. NOV I detailed the violations and their remediation, as follows:
 - a. The broken stair tread in the front hallway stairs leading from the first floor to the second to be repaired immediately;
 - b. The missing or damaged window screens to the building to be repaired immediately;
 - c. The trash and debris on the porch areas of the building to be cleaned immediately;
 - d. The soffits in the front of the building to be repaired immediately; and
 - e. The large areas of peeling paint on the front of the building walls and porches to be repaired on or before May 1, 2017.
9. For at least 48 days – from December 13, 2016 until at least January 30, 2017 – at least five (5) violations were present at the Premises.
10. The Owners failed to remedy 5 different specific violations, which results in a maximum possible penalty of \$2,500 under 30-A M.R.S. § 4452(3)(B), which provides that the minimum penalty for each specific violation is \$100 per day up to a maximum of \$2,500 per specific violation.
11. NOV II ordered the Owners to maintain the continuous operation of the heating system, after multiple City inspections found the heating system inoperable in the middle of winter.
12. The City has incurred attorneys' fees in the amount of \$1,690, and costs in the amount of \$269.32, both of which are reasonable.

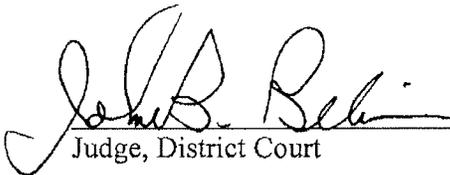
Now, therefore, this Court ORDERS the following:

- A. Frederick L. Lockwood is personally liable and responsible, without limit, for all debts, liabilities, and obligations of Investment Properties, LLC;
- B. ^{Upon written notice by the City, within seven (7) days} Owners shall immediately cease and desist from renting, letting, or allowing others to reside at the Premises until the Owners have complied with this order to the satisfaction of the City of Lewiston;
- C. Owners shall relocate all tenants that are vacated from the Premises, or pay tenants for their reasonable costs to secure new housing and to move;
- D. Owners shall maintain the continuous operation of the heating system.

- NBR
- E. Before February 15, 2017, Owners shall remedy, to the City's satisfaction, the violations described in subparagraphs 8.a through 8.c above.
 - F. On or before May 1, 2017, Owners shall remedy, to the City's satisfaction, the violation described in subparagraphs 8.d and 8.e above;
 - G. Owners shall pay civil penalties of ~~\$10,000~~^{\$5,000} to the City of Lewiston for violations at the Premises for 48 days, between December 13, 2016 and January 30, 2017; and,
 - H. Owners shall pay attorneys' fees and costs in the amount of \$1,959.32 to the City of Lewiston.

SO ORDERED,

Dated: January 30, 2017



Judge, District Court

JUDGMENT ENTERED:

1/31/17

KNOW ALL MEN BY THESE PRESENTS,

THAT It, FRANKLIN COMPANY, a Maine corporation with its principal place of business located at 191 LISBON STREET, LEWISTON, County of ANDROSCOGGIN, and State of MAINE, in consideration of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION, paid by FRANKLIN PROPERTY TRUST, in accordance with a declaration of trust to be recorded in the Androscoggin County Registry of Deeds, having its office at 191 LISBON STREET, LEWISTON, County of ANDROSCOGGIN, and State of MAINE, the receipt whereof it does hereby acknowledge, does hereby REMISE, RELEASE, BARGAIN, SELL and CONVEY, and forever QUIT-CLAIM unto the said FRANKLIN PROPERTY TRUST, its successors and assigns forever,

A certain lot or parcel of land situated in Lewiston, County of Androscoggin and State of Maine, with any buildings thereon, bounded and described as follows: COMMENCING on the westerly line of Lincoln Street at the southeasterly corner of land conveyed by this Grantor to Francois Lizotte by deed dated July 11, 1907, # 1208; thence southwesterly by said Lizotte land 100 feet, more or less, to the northerly corner of land conveyed by this Grantor to Clara Rivard on November 2, 1916, by deed # 1483; thence southeasterly by said Rivard land 40 feet, more or less, to the northerly corner of land conveyed by this Grantor to Francis Jutras by deed dated October 8, 1918, # 1513; thence southeasterly along said Jutras land 40 feet, more or less, to the northerly corner of land conveyed by this Grantor to Philomena Lessard by deed dated June 15, 1903, # 1164; thence southeasterly 50 feet more or less along said Lessard land; thence continuing southeasterly 75 feet, more or less, by line of land conveyed by this Grantor to Henry Croteau by deed dated October 29, 1956, # 1963; thence continuing southeasterly 83 feet, by line of land conveyed by this Grantor to Celestine Ledoux by deed dated June 10, 1903, # 1163; thence continuing southeasterly 65 feet, by line of land conveyed by this Grantor to The Roman Catholic Bishop of Portland, by deed dated April 1, 1903, # 1159; thence at an angle southwesterly 51 feet, more or less, by line of land conveyed by this Grantor to The Roman Catholic Bishop of Portland on February 14, 1898 by deed # 1093 to Oxford Street; thence southeasterly by the northeasterly line of Oxford Street 50 feet, more or less, to an angle therein; thence northeasterly by the northerly line of said Oxford Street 125 feet, more or less, to Lincoln Street; thence northwesterly by the easterly line of Lincoln Street 425 feet, more or less to the point of beginning.

MARSHALL RAYMOND,
BELIVEAU & DIONNE
ATTORNEYS AT LAW
78 PARK STREET
LEWISTON, MAINE 04600
29 MAIN STREET
FARMINGTON, MAINE 04830

EXHIBIT

D

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to the said FRANKLIN PROPERTY TRUST, its successors and assigns forever.

AND it does COVENANT with the said Grantee, its successors and assigns, that it will WARRANT and FOREVER DEFEND the premises to it, the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through or under it.

IN WITNESS WHEREOF, It, the said FRANKLIN COMPANY, has caused these presents to be signed in its corporate name, and sealed with its corporate seal, by JOHN W. KING, its Treasurer, thereunto duly authorized, this 16TH day of September in the year of our Lord one thousand nine hundred and seventy-six (1976).

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

FRANKLIN COMPANY

Arthur Waller

BY: J. W. King
JOHN W. KING, Its Treasurer



STATE OF MAINE, ANDROSCOGGIN, SS. September 16, 1976

Personally appeared the above named, JOHN W. KING, Treasurer of the said Franklin Company, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

Arthur Waller
~~Notary Public~~ Attorney at Law

STATE OF MAINE, ANDROSCOGGIN REGISTRY OF DEEDS
Received SEP 10 1976 at 12 H., 10 M., P. M., and recorded from the original

MARSHALL RAYMOND,
BELIVEAU & GIOHNE
ATTORNEYS AT LAW
70 PARK STREET
LEWISTON, MAINE 04540
88 MAIN STREET
FARMINGTON, MAINE 04750



EXHIBIT
E

PARID: RE00006513

231 LINCOLN ST

Parcel

Parcel ID RE00006513
 Map/Lot 208/000/177
 Property Location 231 LINCOLN ST
 Property Class Bldg on Franklin Co Land
 Land Area (acreage)

Owners

Owner INVESTMENT PROPERTIES LLC

Address 474 FORT HILL RD
 City GORHAM
 State ME
 Zip 04038
 Book
 Page

Sales History

Date	Amount	Book	Page
09/12/2014	\$0		
05/01/2004	\$0		

Primary Building

Style CONVENT
 Year Built 1851
 Stories 1.5
 Attic 1-NONE
 Fuel Type 1-OIL
 Heat System 3-HOT WATER
 Heat/AC Type 2-BASIC
 Fireplaces 0
 Total Rooms 6
 Bedrooms 4
 Kitchens
 Full Baths 1
 Half Baths
 Basement 6-FULL
 Basement Garage Spaces
 Finished Basement Area 0
 Basement Rec Room Area
 Unfinished/Cathedral Area
 Living Area 1,176

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

Investment Properties, LLC
c/o U.S. Corporation Agents, Inc.
315 Hatchet Mountain Road
Hope, Maine 04847

Investment Properties, LLC
c/o Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Franklin Property Trust
c/o Ronald Bissonnette
75 Park Street
Lewiston, Maine 04240

Jennifer Scott, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

James Green, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

231 LINCOLN STREET, LEWISTON, MAINE

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

November 21, 2017 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

The hearing is regarding the building at 231 Lincoln Street, Lewiston, Maine, identified as Parcel ID 00-006513 on the City of Lewiston Tax Maps, and further described in a deed recorded in the Androscoggin County Registry of Deeds at Book 1227, Page 40. The hearing is to determine whether the building is a nuisance or dangerous, within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

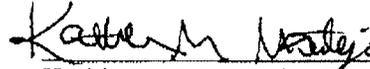
If the City Council finds that the building is a nuisance or dangerous, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the building. The City may then recover all of its expenses, by means of a special tax or civil action, including reasonable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

This hearing is also to determine whether the building poses a serious threat to public health and safety, within the meaning of 17 M.R.S. § 2856, and must be secured. If the City secures the building, it may then recover all of its expenses, including reasonable attorney's fees and costs, by means of a special tax or civil action.



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

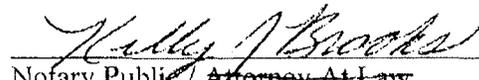
October 20, 2017


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

October 20, 2017

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


Notary Public / Attorney At Law

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

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
231 Lincoln Street, Lewiston, Maine
Dangerous Buildings

On 11/3, 2017, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Investment Properties, LLC, as follows:

Investment Properties, LLC
c/o U.S. Corporatoin Agents, Inc.
315 Hatchet Mountain Road
Hope, ME 04847

Costs of Service:

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

TOTAL: \$ _____

Signature [Handwritten Signature]
Agency Knox SO



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

Investment Properties, LLC
c/o U.S. Corporation Agents, Inc.
315 Hatchet Mountain Road
Hope, Maine 04847

Investment Properties, LLC
c/o Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Franklin Property Trust
c/o Ronald Bissonnette
75 Park Street
Lewiston, Maine 04240

Jennifer Scott, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

James Green, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

231 LINCOLN STREET, LEWISTON, MAINE

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

November 21, 2017 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

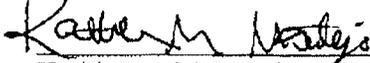
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This hearing is your opportunity to present evidence as to why the building is not a nuisance or dangerous and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to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

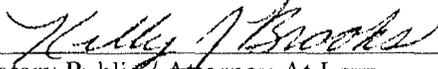
October 20, 2017


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

October 20, 2017

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


Notary Public / Attorney At Law

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

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
231 Lincoln Street, Lewiston, Maine
Dangerous Buildings

On November 6, 2017, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Investment Properties, LLC, as follows:

Investment Properties, LLC
c/o Frederick Lockwood
474 Fort Hill Road
Gorham, ME 04038

Costs of Service:

Service:	\$ <u>16.00</u>
Travel:	\$ <u>26.00</u>
Postage:	\$ <u>.60</u>
Other:	\$ <u>5.00</u>
TOTAL:	\$ <u>47.60</u>


Signature

CCSC
Agency

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

Investment Properties, LLC
c/o U.S. Corporation Agents, Inc.
315 Hatchet Mountain Road
Hope, Maine 04847

Investment Properties, LLC
c/o Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Franklin Property Trust
c/o Ronald Bissonnette
75 Park Street
Lewiston, Maine 04240

Jennifer Scott, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

James Green, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

231 LINCOLN STREET, LEWISTON, MAINE

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

November 21, 2017 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

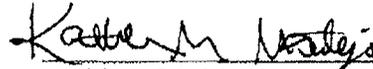
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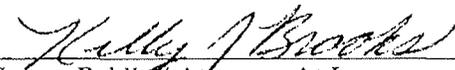
October 20, 2017


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

October 20, 2017

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


Notary Public / Attorney At Law

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

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
231 Lincoln Street, Lewiston, Maine
Dangerous Buildings

On November 6, 2017, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Frederick Lockwood, as follows:

Frederick Lockwood
474 Fort Hill Road
Gorham, ME 04038

Costs of Service:

Service:	\$ <u>16.00</u>
Travel:	\$ _____
Postage:	\$ _____
Other:	\$ <u>5.00</u>
TOTAL:	\$ <u>21.00</u>



Signature

CCSO

Agency



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

Investment Properties, LLC
c/o U.S. Corporation Agents, Inc.
315 Hatchet Mountain Road
Hope, Maine 04847

Investment Properties, LLC
c/o Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Franklin Property Trust
c/o Ronald Bissonnette
75 Park Street
Lewiston, Maine 04240

Jennifer Scott, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

James Green, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

231 LINCOLN STREET, LEWISTON, MAINE

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November 21, 2017 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

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new
C

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
231 Lincoln Street, Lewiston, Maine
Dangerous Buildings

On 10-26, 2017, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Franklin Property Trust, as follows:

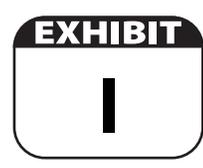
Franklin Property Trust
c/o Ronald Bissonnette, Registered Agent
Isaacson & Raymond
75 Park Street
Lewiston, ME 04240

Costs of Service:

Service:	\$	<u>2100</u>
Travel:	\$	_____
Postage:	\$	_____
Other:	\$	_____
 TOTAL:	\$	<u>2100</u>

J. Phares
Signature

Andreas J. O'Brien SO
Agency



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

Investment Properties, LLC
c/o U.S. Corporation Agents, Inc.
315 Hatchet Mountain Road
Hope, Maine 04847

Investment Properties, LLC
c/o Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Franklin Property Trust
c/o Ronald Bissonnette
75 Park Street
Lewiston, Maine 04240

Jennifer Scott, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

James Green, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

231 LINCOLN STREET, LEWISTON, MAINE

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

November 21, 2017 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

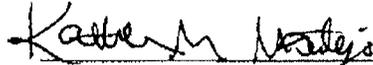
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This hearing is your opportunity to present evidence as to why the building is not a nuisance or dangerous and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to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

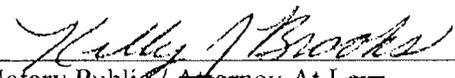
October 20, 2017


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

October 20, 2017

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


Notary Public / Attorney At Law

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

P-11-2017
A

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
231 Lincoln Street, Lewiston, Maine
Dangerous Buildings &
Secure a Building As a Serious Threat to Public Health and Safety

On 10-26, 2017, I served the above-referenced NOTICE OF HEARING, Dangerous Building, and NOTICE OF HEARING To Secure a Building as a Serious Threat to Public Health and Safety, copies of which are attached hereto, on Jennifer Scott, and all other occupants of 231 Lincoln Street, as follows:

Jennifer Scott and all other occupants of
231 Lincoln Street
107 Shawmut Street, Apt. 1, Rear
Lewiston, ME 04240

Costs of Service:

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

[Signature]
Signature
Anchascogen SC
Agency



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

Investment Properties, LLC
c/o U.S. Corporation Agents, Inc.
315 Hatchet Mountain Road
Hope, Maine 04847

Investment Properties, LLC
c/o Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Franklin Property Trust
c/o Ronald Bissonnette
75 Park Street
Lewiston, Maine 04240

Jennifer Scott, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

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Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

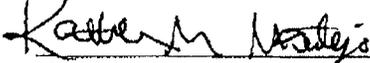
The hearing is regarding the building at 231 Lincoln Street, Lewiston, Maine, identified as Parcel ID 00-006513 on the City of Lewiston Tax Maps, and further described in a deed recorded in the Androscoggin County Registry of Deeds at Book 1227, Page 40. The hearing is to determine whether the building is a nuisance or dangerous, within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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

This hearing is also to determine whether the building poses a serious threat to public health and safety, within the meaning of 17 M.R.S. § 2856, and must be secured. If the City secures the building, it may then recover all of its expenses, including reasonable attorney's fees and costs, by means of a special tax or civil action.

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

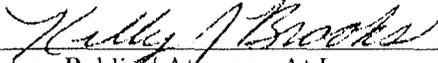
October 20, 2017


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

October 20, 2017

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


Notary Public / Attorney At Law

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

B

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
231 Lincoln Street, Lewiston, Maine
Dangerous Buildings &
Secure a Building As a Serious Threat to Public Health and Safety

On 10-26, 2017, I served the above-referenced NOTICE OF HEARING, Dangerous Building, and NOTICE OF HEARING To Secure a Building as a Serious Threat to Public Health and Safety, copies of which are attached hereto, on James Green, and all other occupants of 231 Lincoln Street, as follows:

James Green and all other occupants of
231 Lincoln Street
107 Shawmut Street, Apt. 1, Rear
Lewiston, ME 04240

Costs of Service:

Service: \$ 2100
Travel: \$ _____
Postage: \$ _____
Other: \$ _____

TOTAL: \$ 2100

[Signature]
Signature
[Signature]
Agency



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

Investment Properties, LLC
c/o U.S. Corporation Agents, Inc.
315 Hatchet Mountain Road
Hope, Maine 04847

Investment Properties, LLC
c/o Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Frederick Lockwood
474 Fort Hill Road
Gorham, Maine 04038

Franklin Property Trust
c/o Ronald Bissonnette
75 Park Street
Lewiston, Maine 04240

Jennifer Scott, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

James Green, and all other occupants of
231 Lincoln St.
107 Shawmut St., Apt. 1 Rear
Lewiston, Maine 04240

231 LINCOLN STREET, LEWISTON, MAINE

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

November 21, 2017 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

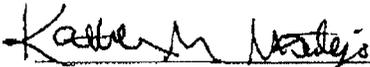
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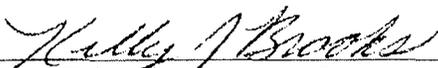
October 20, 2017


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

October 20, 2017

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


Notary Public / Attorney At Law

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

**231 Lincoln Street
Photos taken June 1,
2016, August 25 and
September 12, 2017.**

**Front view of
building showing
broken windows,
soffit trim and the
building's leaning to
the rear due to
structural failure .**



**EXHIBIT
K**

Photo # 2 shows a closer view of the deteriorated soffit with missing soffit cladding.



Photo # 3 shows the severely deteriorated and damaged soffit and roof.





Photo # 4 shows the severely deteriorated rear deck in state of collapse with failing bearing members and missing and collapsing guard rails. Also note the excessing debris creating load contributing to instability.

Photo # 5 shows another view of the deck with missing, deteriorated and collapsing guard rails. Observe the debris next to the deck contributing to fire loading.



Photo # 6 shows deteriorated soffit trim and unrated osb board in violation of Code. Note the Public Works traffic control sign used to cover another window. Additionally, a plumbing vent is installed in violation of the Code.



Photo # 7 shows the ineffectively installed and collapsing stair treads constructed with unrated materials in violation of Code.



**Photo # 8 shows a
broken basement
window with
exposed shards of
glass creating
hazardous
conditions.**



Photo # 9 shows an example of deteriorated plaster leaving open the structural elements allowing for the accelerated spread of fire.



**Photo # 10 shows
an example of
deteriorated and
failing electrical
components leaving
exposed conductors
making for
dangerous and
hazardous
conditions.**



**Photo # 11 shows
the ineffectively
installed front door
not providing for
weather tight seal.
Observe the staining
from the entry of
moisture.**



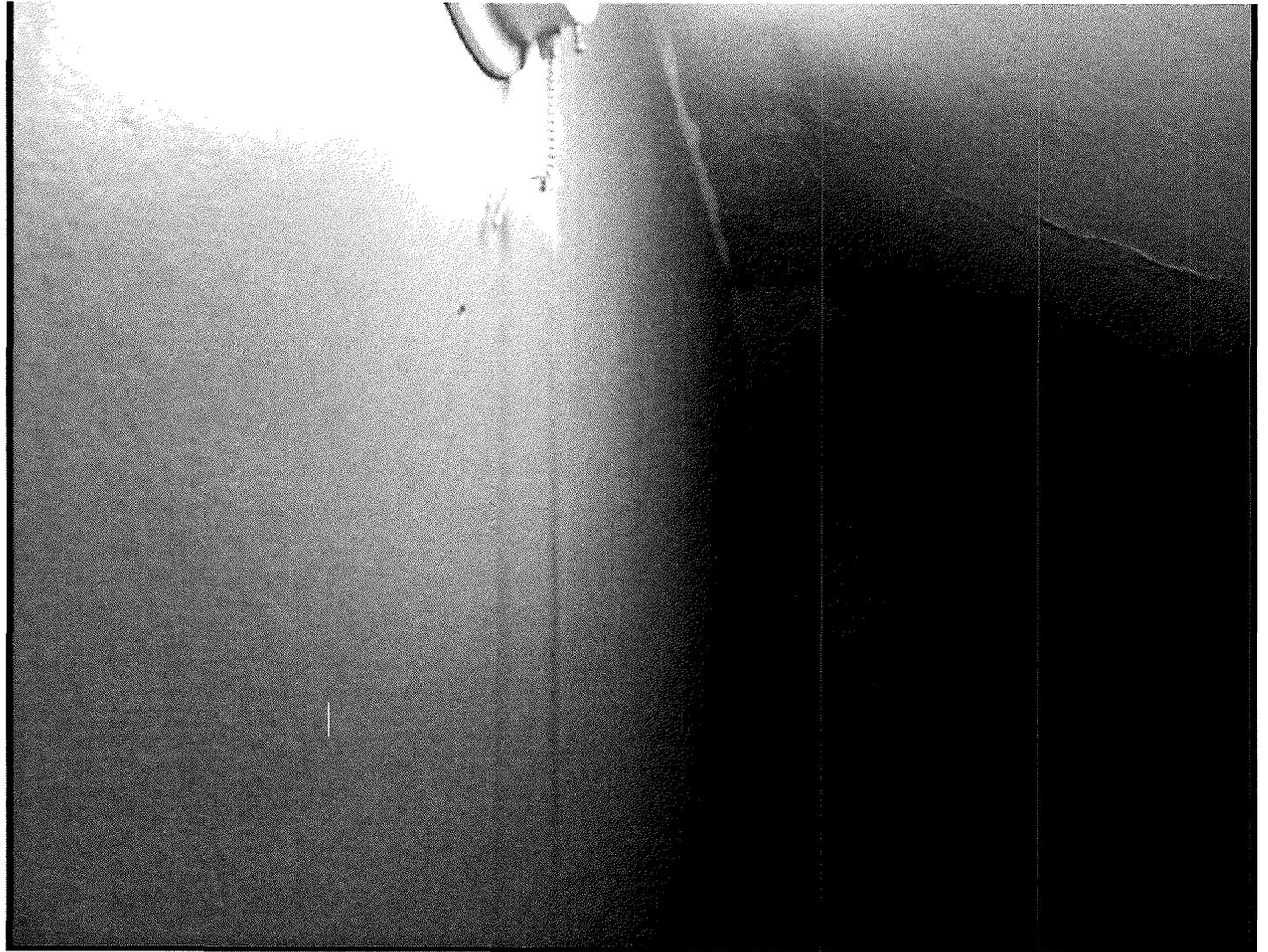
Photo # 12 shows damage from an inappropriately installed window allowing for the entry of the elements causing moisture damaged and deterioration. Additionally, this is a bedroom and the window does not meet the minimum means of escape requirements per Code.



**Photo # 13 shows
the floor out of level
due to structural
settlement and
instability.**

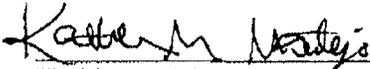


Photo # 14 shows a string pull light fixture for a means of egress stairway that requires a three-way switch for the top and bottom of the stairway. This is indicative of the obsolescence of the building and its systems.



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

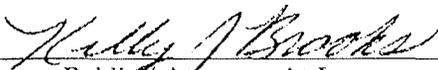
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Notary Public / Attorney At Law

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

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

Resolve Adopting Proposed Amendments to the City’s Public Participation Plan for the Community Development Block Grant Program.

INFORMATION:

Lewiston has been a Community Development Block Grant (CDBG) Entitlement Community since 1974. As such, the City annually receives an allocation of CDBG dollars that must be spent in accordance with regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) to insure that the dollars are used to meet three national objectives: providing decent, safe and sanitary housing; providing a suitable living environment; and expanding economic opportunities. In pursuit of these goals, the City is required to develop multi-year plans and annual budgets and work plans tied to these goals and the national priorities. An important element of this work is the Public Participation Plan that guarantees the public and other interested parties access to the process of allocating resources. HUD has recently changed the criteria that must be met to engage citizens in helping develop recommendations for the use of CDBG dollars. In addition, HUD recommended that our plan be expanded to also cover the HOME program and our CDBG Revolving Loan Funds. Our current *Community Development Grant Program Citizen Participation Plan* was last approved by the City Council on February 7, 2012. Staff has revised and updated the plan to meet the HUD required and recommended changes.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve adopting proposed amendments to the City’s Public Participation Plan for the Community Development Block Grant Program.



COUNCIL RESOLVE

Resolve, Adopting Revised Community Development Block Grant Program Citizen Participation Plan.

Whereas, Lewiston has been a Community Development Block Grant (CDBG) Entitlement Community since 1974 and annually receives an allocation of CDBG dollars that must be spent in accordance with regulations promulgated by the U.S. Department of Housing and Urban Development (HUD); and

Whereas, these funds are intended to meet three national objectives: providing decent, safe and sanitary housing; providing a suitable living environment; and expanding economic opportunities; and

Whereas, in pursuit of these goals, the City is required to develop multi-year plans and annual budgets and work plans tied to these national priorities; and

Whereas, an important element of this work is a Public Participation Plan that guarantees the public and other interested parties access to the process of allocating resources; and

Whereas, HUD has recently changed the criteria that must be met to engage citizens in helping develop recommendations for the use of CDBG dollars; and

Whereas, the City's *Community Development Grant Program Citizen Participation Plan* was last approved by the City Council on February 7, 2012; and

Whereas, staff has revised and updated the plan to meet the HUD required changes; and

Whereas, in accordance with HUD regulations, a public notice was published on October 7th to notify the public of an October 17, 2017 public hearing and of a 30 day public comment period on the proposed changes; and

Whereas, no public comment was received at either the public hearing or during the comment period;

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

The Revised Lewiston Community Development Grant Program Citizen Participation Plan attached hereto is hereby approved.

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Revisions to CDBG Citizen Participation Plan
Date: November 15, 2017

As a CDBG Entitlement Community Lewiston is bound to federal regulations promulgated by the U.S. Department of Housing and Urban Development (HUD). Among those regulations is a requirement that the city have a written policy as to how to engage local residents and stakeholders in determining how to best utilize CDBG funding to achieve the goals of the city, while abiding by the three national objectives of providing safe, decent and sanitary housing, providing a suitable living environment, and expanding economic opportunities. The city seeks to engage citizens in helping to develop the 5 year Consolidated Plan which outlines how CDBG dollars should strategically be invested during the plan time frame, developing annual CDBG funding recommendations for the city council to take action as part of the Annual Action Plan, conducting periodic Assessments of Fair Housing, and the process for reallocating CDBG expenditures when the need arises.

To meet this federal requirement the City adopted a CDBG Citizen Participation Plan as Policy 13 of the Lewiston's Master Policies. The policy was last updated on February 7, 2012. Since that time HUD has amended the requirements of what must be included in the plan.

Attached is a redline copy of the plan showing the proposed changes. The changes are housekeeping in nature, looking to update our plan to bring it into compliance with revised federal regulations.

Enclosed is a public notice that was published on October 7th, making the public aware that a public hearing was being held on October 17th to consider the proposed changes, and inviting public comment on the changes through November 8th. No public comment was received at the public hearing or during the comment period. While the City Council approved the changes to the policy at their October 17th meeting, the public comment period had not yet passed.

Now that the public hearing and public comment period have passed with no comments, the city Council is being asked to take final action to approve the proposed changes to the Citizen Participation Plan.

**2015-2019 Consolidated Plan
City of Lewiston
Citizen Participation Plan for HUD Funded Projects
Notice of Public Hearing**

On October 17, 2017 at 7:00pm, during the regular Lewiston City Council meeting, the City Council will hold a public hearing to review changes to the Citizens Participation Plan. The City of Lewiston receives federal funding from the Office of Housing and Urban Development. The Citizen Participation Plan is a written policy and procedure that describes the process upon which the citizens, interested parties and non-profit entities have an opportunity to make comments on the City's Consolidated Plan and Annual Action Plan and Budget.

The citizens of Lewiston are encouraged to attend the public hearing and comment on the revised Citizen Participation Plan. Comments will be accepted until November 8, 2017 by 4:00pm. Please direct comments to: Lincoln Jeffers, Director, Economic and Community Development, City Building, 27 Pine Street, Lewiston, ME 04240; by calling (207) 513-3126; or by email to ljeffers@lewistonmaine.gov.

On November 21, 2017 at 7:00pm, during a regular Lewiston City Council meeting, the Council will take final action on the revisions to the Citizens Participation Plan.

Pursuant to Title 24, Section 570.200 of the Code of Federal Regulations, all of the projects and activities funded must either principally benefit low and moderate income persons, or aid in prevention or elimination of slums and blight, or meet other community development needs having a particular urgency. The proposed statement is published in accordance with the Housing and Community Development Act, 24 CFR 570.301.

Lincoln Jeffers
Director, Economic & Community Development
City of Lewiston
27 Pine Street
Lewiston, ME 04240

To be published 10/7/2017
Sun Journal
Legal Notice, Do Not Box.
Tear sheet provided with invoice.

~~COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CITIZEN PARTICIPATION PLAN~~

CITY OF LEWISTON
CITIZEN PARTICIPATION PLAN FOR HUD FUNDED
PROGRAMS

I. — Introduction

The

~~In 1974, the~~ City of Lewiston was designated as a Community Development Block Grant Entitlement ~~Community in 1974. Every year since then, the City has received a formula based allocation of CDBG funds. City.~~ These funds are used ~~for programs including housing rehabilitation to fund administration and planning, social services, housing, commercial, and economic development loans programs, public facilities and infrastructure improvements, and financial assistance to social services agencies; acquisition, demolition and clearance of unsafe structures.~~ Every year the City receives a formula based allocation of entitlement funding. Using CDBG funds to initially capitalize, and periodically recapitalize the programs; the City created housing and commercial revolving loan funds (RLF) used to rehabilitate properties, make general improvements and bring the properties to code. Projects are funded through low interest loans and grants with repaid money going back to the RLF ~~In 2001, Auburn and Lewiston formed a consortium with Auburn as the lead entity to receive HOME Investment Partnerships Program funds. This is an annual allocation from HUD and the funds are used for Homebuyer Assistance, Homeowner Rehabilitation, Rental Development and Tenant Security Deposits for homeless persons seeking permanent housing.~~

The Department of Housing and Urban Development (HUD) requires recipients of these grant funds to prepare a formal plan as a condition of receiving those funds known as the Citizen Participation Plan ~~as a condition of receiving those funds. What follows. The following~~ is the City of ~~Lewiston's~~ Lewiston's Citizen Participation Plan written in accordance with ~~Section 104(((a)) (3) of the Housing and Community Development Act of 1974, (42 U.S.C.5304(A) (3)), and 24 CFR Part 91 Sections 91.105 and 91.200.~~

II. — ~~CDBG~~ Citizens Advisory Committee (CAC)

This Citizen Participation Plan (CPP) encourages participation from Lewiston residents in developing the 5-Year Consolidated Plan, any substantial amendments to the Consolidated Plan, and developing the annual action plans and performance reports. The City especially encourages participation by residents of Census Tracts 201, 202, 203 and 204, which constitute the CDBG target area and which is defined as a low and moderate income area. The City also encourages participation by low and moderate income persons, the homeless, persons with disabilities, ~~and of immigrants and refugees, public housing authorities, and organizations representing these groups.~~

To ensure that all constituents are provided with an opportunity to be included in this important planning ~~and implementation process, the City appoints and convenes a~~ ~~CDBG~~ Citizens Advisory Committee (CAC) to assist in developing the specific goals and objectives of

~~COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CITIZEN PARTICIPATION PLAN~~

CITY OF LEWISTON
CITIZEN PARTICIPATION PLAN FOR HUD FUNDED
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the Consolidated Plan, the Assessment of Fair Housing, and the annual Action Plan, and the Consolidated Annual Performance and Evaluation Report (CAPER). Committee members are appointed by the Mayor to two year terms coinciding with the ~~City's~~ City's fiscal year (July 1- June 30). This seven-person Committee includes one Lewiston City Councilor, one representative from the Lewiston Planning Board, ~~and~~ one voting City Administration appointed staff member. ~~Of the 4 remaining members,~~ at least two ~~must be~~ citizens from the ~~City's CDBG Target Area (City's low/moderate income population in~~ Census Tracts 201-204), with the remainder from the community at large. The Committee is staffed by the Economic and Community Development Department.

~~The role of the CAC is to provide citizen input into the CDBG~~

Each year in December, at the beginning of the budget process, a Request for Application will be published in a newspaper of general distribution, placed on the website and emailed to applicants who have applied for funding in the past. Qualified agencies and organizations are encouraged to apply for funding. City staff offers two mandatory trainings for all applicants and provides technical assistance to groups representing persons who are of low-moderate income; as well as assistance to ethnic based community organizations that request help in developing proposals for funding assistance under any programs covered by the annual planning process of HUD funded programs. On the Economic and Community Development page under plans and reports, the City has available the Annual Action Plans which details the local government's funding decisions for activities for the last five years. The CAC will read, review, interview and score applications for funding from qualified applicants. The CAC will provide citizen input into the activities that will be funded by these sources during the budget process to ensure that the goals and objectives of the 5 year Consolidated Plan are reflected in the annual Action Plan and reviewed for progress and evaluated for appropriateness in the ~~City's~~ City's CAPER. During ~~its~~ the first meeting, of each budget year the CAC, will appoint a Chairperson ~~from~~ among its members to serve as a ~~meeting~~ facilitator, a of the meetings, spokesperson for the committee, and a liaison to the Economic and Community Development Department staff. The ~~CDBG~~ CAC will meet during the ~~CDBG~~ budget process to review and evaluate requests for ~~CDBG~~ funding. The ~~CAC's~~ CAC has an important role in this process which includes ~~reviewing funding review of~~ applications for appropriateness and compliance with the ~~national objectives of the CDBG program, verifying that the~~ goals and objectives ~~described in the funding request address the goals and objectives in the~~ of the current consolidated plan Consolidated Plan, and ~~recommending to the Lewiston make a funding recommendation to the Lewiston's City Council the appropriate activities and funding levels for projects to be included in the next annual Action Plan.~~

The meetings of the CDBG Citizens Advisory Committee are open to the public with meeting times and dates published in advance in a publication of general circulation and on the City's website. —Each year the Lewiston City Council will ~~act to accept~~ take action on the acceptance of the Action Plan according to the ~~City's~~ City's Budget ~~timeline, with final~~ final

~~COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CITIZEN PARTICIPATION PLAN~~

CITY OF LEWISTON
CITIZEN PARTICIPATION PLAN FOR HUD FUNDED
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~~approval by City Council approval~~ no later than May ~~1st.~~ 7th. Final approval will take place at a City Council Meeting following a public hearing. Notice of the City Council meeting and public hearing on the Consolidated Plan and Action Plan will be provided in the local newspaper ~~approximately 10 days before the hearing is to take place~~ at least 10 days before the hearing is to take place. Citizens will have a full 30 days from the date of publication to express concerns and comments by email on the City's website by using the following link <http://www.ci.lewiston.me.us/Directory.aspx?DID=7>, or by regular mail addressed to the Director, Economic and Community Development Department, 27 Pine Street, Lewiston, ME 04240.

During the year, outside of the regular application process, projects for funding in excess of \$10,000 that fall outside of the Program Guidelines, may be presented to the City Council for review and approval. A description of the project; the amount of the funding requested will follow the same public notification process as the regular application process. The action will take place as a public hearing using the same public process as described in the previous paragraph.

III. — Consolidated Plan and Assessment of Fair Housing Development:

The Consolidated Plan is a planning document that outlines and guides CDBG and HOME program expenditures for a five-year period. At the same time, the City will prepare an Assessment of Fair Housing, a process to analyze the local fair housing landscape and set fair housing priorities and goals which will identified in the Consolidated Plan. (the "Plans") It is designed to be a collaborative process through which Lewiston establishes a unified vision for community development actions and strategies. It creates the opportunity for strategic planning and citizen participation to take place in a comprehensive context. The Consolidated Plan identifies specific courses of actions for the CDBG funding the City receives. It builds on local assets and responds ~~to the needs of the community~~ and sets forth program goals, specific objectives, annual goals, and benchmarks for measuring progress.

In the preparation of the Plans the City shall encourage the participation of local and regional institutions, Continuums of Care, and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations) in the process of developing and implementing the Plans. The City shall encourage the participation of public and private organizations and shall consult with broadband internet service providers, organizations engaged in narrowing the digital divide, agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies in the process of developing the Plans.

~~COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CITIZEN PARTICIPATION PLAN~~

CITY OF LEWISTON
CITIZEN PARTICIPATION PLAN FOR HUD FUNDED
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Working in conjunction with the Lewiston Housing Authority, the City shall encourage the participation of residents of public and assisted housing developments (PHA) (including any resident advisory boards, resident councils, and resident management corporations) in the process of developing and implementing the AFH and the consolidated plan, along with other low-income residents of targeted revitalization areas in which the developments are located. The City shall make an effort to provide information to the PHA about the Plans activities related to its developments and surrounding communities so that the PHA can make this information available at the annual public hearing(s) required for the PHA Plan.

The City will explore alternative public involvement techniques and quantitative ways to measure efforts that encourage citizen participation in a shared vision for change in communities and neighborhoods, and the review of program performance; e.g., use of focus groups and the Internet.

During development of the Consolidated PlanPlans, the City of Lewiston shall:

A.) Make available Provide to its citizens, public agencies, and other interested parties information that includes data from HUD as well as any other supplemental information gathered from local sources; state the amount of assistance that the City expects to receive from the Community Development Block Grant (CDBG) program and HOME funded programs; describe the range of activities that may be undertaken using these funds; including; include the estimated amount that will benefit persons of low and moderate income and plans to; identify what steps will be taken to minimize displacement of persons and to assist any persons show displaced persons are to be assisted. This information will be made available before the adoption of the Consolidated Plan during the public planning meetings.

B.) Publish the proposed Consolidated PlanPlans in a manner that affords citizens, public agencies, and other interested parties a reasonable opportunity to examine its contents and to submit comments. This information will be summarized and published in a local newspaper of general circulation in the Lewiston area. The summary will include a description of the contents and purposes of the proposed Consolidated PlanPlans and will be available for review in its entirety at the City's at the following link <http://www.ci.lewiston.me.us/index.aspx?NID=13> on the Economic and Community Development Department. An electronic copy will be placed on the City's page of the City's website. Email notification of the same will be provided to agencies that have historically applied for CDBG funds and other partner agencies and stakeholders, such as the Lewiston Housing Authority, Healthy Neighborhood Planning Council and Pine Tree Legal. Citizens and interested parties can utilize The "Notify Me" tool that allows citizens to follow the process by providing their email address. An email will be sent as the planning process commences.

~~COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM~~
~~CITIZEN PARTICIPATION PLAN~~

CITY OF LEWISTON
CITIZEN PARTICIPATION PLAN FOR HUD FUNDED
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C.) Copies will be available at the City of ~~Lewiston's~~Lewiston's Economic and Community Development Department offices and at ~~the~~Lewiston Public Library, Lewiston, ME,

D.) Hold ~~at least onetwo~~ public ~~hearing~~hearings on housing and community development needs before the proposed ~~Consolidated Plan is~~Plans are published for comment.

1.) ~~The~~ City shall give ~~adequate~~advance~~at least 10 days~~ notice of ~~the hearing~~ ~~to~~ citizens ~~by~~: publishing notices in newspapers of general circulation in Lewiston which ~~include~~includes information on the purpose, time, and location of the hearing; and posting on the ~~City's website~~City's web site and Facebook page. The City shall hold the public hearing in City Hall, 27 Pine Street, Lewiston Maine at a time and date intended to maximize the participation of interested citizens.

2.) Where a significant number of non-English speaking residents can be reasonably expected to participate, the City will ~~provide~~ ~~a~~ qualified interpreter at the public hearing to accommodate the needs of these residents.

E.) The City will accept public comments on the proposed Consolidated Plan for a period of not less than thirty (30) days from the date the public notice is placed in the newspaper of general circulation and on the Economic and Community Development Page of the website under "Plans and Resources" <http://www.ci.lewiston.me.us/index.aspx?NID=131>.

F.) In ~~developing~~developing the final ~~Consolidated Plan,~~Plans the ~~feedback~~ received ~~verbally~~or, in writing~~,~~ or online during ~~the~~ ~~comment~~ ~~period~~ ~~and~~ ~~at~~ ~~the~~ ~~public~~ hearing ~~will~~ ~~be~~ considered. ~~A summary of the feedback received, including comments received but not incorporated into the final Consolidated Plan, Plans will be included as an attachment to the document. For comments not incorporated, the attachment will explain the reasoning for the exclusion.~~

IV. Amendments to the Consolidated Plan and the Assessment of Fair Housing

There are two types of amendments to the ~~Consolidated Plan~~Plans, substantial ~~amendments~~ and minor amendments. The ~~following~~ ~~subsections~~ ~~identify~~ ~~what~~ ~~constitutes~~ ~~an~~ ~~amendment~~ and ~~the~~ ~~threshold~~ for determining ~~what constitutes a substantial~~the type of amendment, including the public notification and approval process.

A. ~~If any.~~ Substantial Amendment:

~~COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
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CITIZEN PARTICIPATION PLAN FOR HUD FUNDED
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~~Any one of the following actions is proposed, it will listed below in Section IV (A) (a-c) shall constitute a substantial amendment to the plan: Plans:~~

- ~~1.) A change in the City's allocation priorities or priorities or change in the method of distribution of funds covered by the Consolidated Plan Plans;~~
- ~~2.) Implementation of an activity using funds from any program covered by the Consolidated Plan Plans (including program income) not previously described in the action plan; or,~~
- ~~3.) A change in the purpose, scope, location, or beneficiaries of a program funded by the Community Development Block Grant (CDBG) HUD programs as listed in the Action Plan section of the adopted Consolidated Plan Plans.~~

2. Public Hearing Requirements for a Substantial Amendment:

~~To provide Any one of the actions listed in Section IV (A) (1-3) shall constitute an amendment to the Consolidated Plan.~~

~~B.) Minor Amendment to the Consolidated Plan, Public Notification and Meeting Requirements: A minor amendment is defined as a change that does not exceed 10% of the amount of the CDBG Program budget (which includes the annual allocation, reprogrammed funds, and program income) for the year in which the amendment is being considered.~~

~~A minor amendment will require a 7 day notice of public meeting posted at City Hall and citizens with an opportunity to comment on the City's website providing the date and time of the City Council meeting at which the minor amendment will be presented and voted upon. Any comments received at or in advance of the public meeting will be recorded and filed with the City Council meeting minutes.~~

Requirements:

~~A substantial amendment to the plan shall be any change that exceeds 10% of the amount of the CDBG Program budget (as defined in above) for the year in which the amendment is being considered. public notice will be published at least 10 days before a public hearing. The public To provide citizens with reasonable notice and an opportunity to comment on substantial amendments to the Consolidated Plan, reasonable notice must will include a summary of the proposed change and its potential effect on households of low and moderate income persons. The summary must be published in a newspaper of general circulation and include an placed on the Economic and Community Development Department Page on the City's website under Plans and Resources. Included in the notice will be the opportunity for written comment by interested citizens and groupsto comment for a period of not less than thirty (30) days prior to implementing the amendment. The~~

~~COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CITIZEN PARTICIPATION PLAN~~

CITY OF LEWISTON
CITIZEN PARTICIPATION PLAN FOR HUD FUNDED
PROGRAMS

published summary –must state that written comments must be submitted to the City by a specified date.

Any comments or views of citizens and units of general local government received online, in writing or orally during the comment period or at public hearings must be considered in adopting a substantial amendment to the ~~Consolidated Plan~~. Plans. The City –shall –attach– a summary of these comments or views to the substantial amendment as finally approved.

B. Minor Amendment:

A minor amendment is defined as a change that does not exceed 10% of the amount of the CDBG Program budget (which includes the annual allocation, reprogrammed funds, and program income) for the year in which the amendment is being considered.

2. Public Hearing Requirements for a Minor Amendment:

There are no public hearing requirements for a minor amendment.

V. Performance Reports Associated With the Consolidated Plan

When preparing performance reports associated with the Consolidated Plan, the City shall:

A.) Provide citizens with reasonable notice and an opportunity– to comment on performance reports associated with the Consolidated Plan. Reasonable notice must include a summary of what has been accomplished and its effect on households of low and moderate income. The summary must be published in a newspaper of general circulation in Lewiston and–notify interested citizens and groups that they have the opportunity to provide comments for a period of not less than fifteen (15) days before the performance report is submitted to HUD. The published summary must indicate that written comments must be submitted by a specified date to the City.

B.) Consider –any comments –or views –of citizens –~~re.ceived~~received online, in writing –or orally –~~at public hearings, if held,~~–in preparing– the performance report. The City shall attach a summary of these comments or views to the performance report.

VI. Availability of the ~~Consolidated Plan~~Plans and –Related –Documents to the Public

A.) The City shall make available to the public free of charge and upon request the final Consolidated Plan as adopted, any substantial amendments, and any associated performance

~~COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CITIZEN PARTICIPATION PLAN~~

CITY OF LEWISTON
CITIZEN PARTICIPATION PLAN FOR HUD FUNDED
PROGRAMS

reports. Upon request, the City will make these documents available in a form accessible to persons with disabilities.

B.) ~~Written~~ Comments ~~should~~ may be ~~mailed to:~~ made online at www.ci.lewiston.me.us/Directory.aspx?DID=7 , or in writing, or verbally to the Director, Economic and Community Development, ~~Department.~~

City Hall, 27 Pine Street, Lewiston, Maine 04240. ~~All~~ comments submitted ~~in writing~~ to the Economic and ~~Community Development Department~~ will ~~be~~ filed. Prior to filing, appropriate responses will be submitted by the Economic and Community Development Director or his/her designee.

VII. Complaints Associated with the Consolidated Plan and Related Documents

The City will provide a substantive written response to every written citizen complaint related to the Consolidated Plan, substantive amendments, and associated performance reports within fifteen (15) working days.

VIII. Accessibility to Those with Disabilities or Language Barriers

The City of Lewiston does not discriminate against or exclude individuals from its municipal facilities and/or in the delivery of its programs, activities, and services based on an individual's ethnic origin, color, religion, gender, sexual orientation, age, physical or mental disability, veteran status, or inability to speak English.

With proper notice, the City will endeavor to accommodate the needs of those unable to participate in the process as designed. This policy includes but is not limited to providing translation services.

For more information ~~about this~~ policy, contact ~~or call~~ Compliance ~~Officer~~ at 207-513-3000 (TTY) 207-513-3007.

IX. Effective Date

This ~~Citizen Participation is the 1st Amendment to the Citizens Participate Plan~~ ~~was~~ adopted by the ~~Lewiston City Council~~ during a public hearing dated on February 7, 2012. Once approved it will replace the current document and will be in effect until amended.

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 18

SUBJECT:

Resolve Reallocating \$394,500 of CDBG Program Income from the Commercial Revolving Loan Fund to other CDBG Eligible Projects.

INFORMATION:

Under CDBG regulations, Lewiston can have no more than 1.5 times its annual allocation plus accumulated program income unspent 60 days before the beginning of the new fiscal year. This past winter, HUD changed their policies so that program income in Revolving Loan Funds (RLF's) is now included in this calculation. As of that date this year, Lewiston had 1.74 times the annual allocation in undrawn funds and program income at the 60 day mark. HUD has asked the City to take action to come into line with this spending requirement over the coming year. Based on current projections and issues that have arisen delaying certain planned projects, we estimate that the City will need to spend approximately \$484,000 on other projects to be in compliance with the spending requirement. A workshop was held with the City Council following by a public hearing in October to discuss this issue and possible solutions. Among them were proposals to fund certain projects not originally included in the CDBG budget. Following the public hearing and a 30 day notice and comment period, along with additional due diligence on the part of staff, the final proposed reallocation has been modified to ensure that we can meet federal requirements. The three projects now recommended are sanitary sewer lining, environmental review, design, and engineering costs for the Bartlett Street athletic fields; and environmental review, design, and engineering cost for the Universal Playground for Marcotte Park.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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To approve the Resolve Reallocating \$394,500 of CDBG Program Income from the Commercial Revolving Loan Fund to other CDBG Eligible Projects.



City of Lewiston, Maine
City Council Resolve
November 21, 2017



RESOLVE, Reallocating \$394,500 of CDBG Program Income from the Commercial Revolving Loan Fund to Other CDBG Eligible Projects

Whereas, Lewiston has been a Community Development Block Grant (CDBG) Entitlement Community since 1974; and

Whereas, being a CDBG Entitlement Community requires adherence to rules, regulations and policies of the U.S. Department of Housing and Urban Development (HUD) related to CDBG and other federal programs; and

Whereas, included among those rules, regulations and policies is a requirement that the combined total of undrawn CDBG funds plus program income in Entitlement Communities may not be more than 1.5 the annual allocation the community received that year 60 days before the end of the fiscal year; and

Whereas, Lewiston did not meet this requirement in FY 2017; and

Whereas, HUD has provided Lewiston with a one year grace period to meet this requirement, during which the city been endeavoring to meet this requirement by providing HUD with a Timeliness Work Out Plan; and

Whereas, as part of that work out plan staff agreed to identify suitable CDBG eligible projects to which a portion of the Commercial Revolving Loan Fund, which has accumulated approximately \$608,500 in program income, could be reallocated;

Whereas, the projects identified by staff and after discussion with the City Council in a workshop and after a public hearing have been identified as:

- \$300,000 for sanitary sewer lining in street sections in the CDBG Target Area
- \$58,500 for environmental, design and engineering costs for an athletic field to be developed at the former Hudson Bus site on Bartlett Street
- \$36,000 for environmental, engineering and design costs for Shane's Inspiration Universal Playground being developed at Marcotte Park; and

Whereas, a public hearing on the proposed changes was held on October 17, 2017, and based upon discussion at that public hearing proposed projects were amended, after which a Public Notice of the proposed reallocation of funds was published in the Sun Journal on October 21, 2017, providing a 30 day public comment period and notice that the City Council would take action on the proposed reallocation of funds at the November 21st City Council meeting;

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

The City Council hereby reallocates \$394,500 in CDBG funds from the Commercial Revolving Loan Fund to the following projects and uses:

- \$300,000 for sanitary sewer lining in street sections in the CDBG Target Area;
- \$58,500 for environmental, design and engineering costs for an athletic field to be developed at the former Hudson Bus site on Bartlett Street;
- \$36,000 for environmental, engineering and design costs for Shane's Inspiration Universal Playground being developed at Marcotte Park.

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Reallocation of CDBG Funds
Date: November 13, 2017

Background

The Lewiston City Council held a workshop on October 10th, and had a public hearing on October 17th to discuss how to best reallocate funds from our CDBG capitalized Commercial Revolving Loan Funds to other worthy projects in order to help meet federal regulations that don't allow CDBG Entitlement Communities to have more than 1.5 times their annual allocation of CDBG funds plus program income available 60 days before the start of the new fiscal year. Attached is an October 10th memo that more completely explains this spend down requirement.

Current Situation

Based on Council feedback regarding their funding priorities at the October 10th workshop, and subsequent discussion at the staff level as to what public works projects could be completed within the time frame necessary to meet the spend down requirement the list of projects to reallocate funds to was amended to:

- Sanitary Sewer Lining for several street sections located in Census Tracts 201-204 - \$300,000
- Athletic Field (Hudson Bus property) – Environmental, Concept Design and Engineering Costs - \$58,500
- Shane's Inspiration – Environmental, Engineering and Design Costs - \$36,000

Public Notice of this change for the reallocation of funds was published in the Sun Journal on October 21, 2017, inviting public comment on the reallocation of funds up to 4:00 on November 21st. A copy of the public notice is attached. To date, no public comments have been received.

Requested Action

The City Council is being asked to hold a public hearing on the proposed reallocation of funds listed above, and after the public hearing to take action authorizing the reallocation of funds as published and listed above.

**2015-2019 Consolidated Plan
Community Development Block Grant
(July 1, 2017-June 30, 2018)
Notice of Public Hearing To Reallocate Funding for Certain Projects
And Amend the Annual Action Plan and CDBG Budget
REVISED NOTICE**

During the October 17, 2017 City Council workshop and again at the regular meeting of the same date, the City Council held a public hearing and discussion regarding the reallocation of funding from the Commercial Revolving Loan Fund.

The following is a REVISED listing of projects and funding levels that will be discussed and acted upon at the November 21, 2017, at 7 pm during the regular City Council meeting as follows:

- Sanitary Sewer Lining for several street sections located in Census Tracts 201-204 - \$300,000
- Athletic Field (Hudson Bus property) – Environmental, Concept Design and Engineering Costs - \$58,500
- Shane’s Inspiration – Environmental, Engineering and Design Costs - \$36,000

The Citizens of Lewiston are encouraged to comment on the funding reallocation for FFY17 which will amend the Annual Action Plan and Budget. Written comments will be accepted until November 21, 2017 by 4:00pm. Comments will be provided to the City Council and recorded in the City’s Annual Action Plan. Direct comments to: Lincoln Jeffers, Director, Economic and Community Development, City Building, 27 Pine Street, Lewiston, ME 04240; by calling (207) 513-3126; or email to ljeffers@lewistonmaine.gov.

Pursuant to Title 24, Section 570.200 of the Code of Federal Regulations, all of the projects and activities funded must either principally benefit low and moderate income persons, or aid in prevention or elimination of slums and blight, or meet other community development needs having a particular urgency. The Proposed Statement is published in accordance with the Housing and Community Development Act, 24 CFR 570.301.

Lincoln Jeffers
Director of Economic & Community Development
To Be Published: 10/21/2017
Legal Notice. Do Not Box
Tear Sheet with invoice

Economic and Community Development

Lincoln Jeffers

Director

Lewiston



2007



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Reallocation of CDBG Funds to meet HUD Requirements
Date: October 10, 2017

Note: This was the original memo presented to the Council in October. Based on comments at that time, the Tree Street Youth Project was eliminated from consideration. Subsequently, it became apparent that the Beech Street Bridge project could not be completed in a timely way given the complexity of the environmental and historic preservation reviews that would be required. This memo is included to provide additional background on this item.

Lewiston has been a Community Development Block Grant (CDBG) Entitlement Community since 1974. As such, the City annually receives an allocation of CDBG dollars that must be spent in accordance with regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) to ensure that the dollars are used to meet three national objectives:

- Provide decent, safe and sanitary housing
- Provide a suitable living environment
- Expand economic opportunities

Within these broad goals, communities have considerable latitude as to how their CDBG funds are invested. However, the regulations associated with the use of the funds are complex, diverse, and have many checks and balances to ensure that federal dollars meet the national objectives but do not run counter to other federal goals such as protecting the environment, supporting historic preservation, and ensuring that well qualified low bid contractors pay fair wages (Davis Bacon wage rates) on CDBG funded projects.

Problem

Under CDBG regulations, a CDBG Entitlement Community such as Lewiston can have no more than 1.5 times its annual allocation plus accumulated program income unspent 60 days before the beginning of the new fiscal year. This is known as the spend down requirement. This past winter, HUD changed their policies so that program income in Revolving Loan Funds (RLF's) is now included in this calculation. City staff received notice of this change midwinter. Since then, we were not able to put enough Commercial RLF money on the streets to meet the spend down requirement before the May 1st deadline. As of that date

this year, Lewiston had 1.74 times the annual allocation in undrawn funds and program income at the 60 day mark. HUD has asked the City to take action to come into line with the spend down requirement over the coming year.

Current Situation

This year, the city received \$800,805 in CDBG funds. That means we can have no more than a total of \$1,201,208 in unspent CDBG funds and program income on May 1, 2018. Today we need to spend \$784,000 by May 1st to be in compliance with this requirement. When the administrative costs of running the program and payments to social service agencies are subtracted from that amount, the City will need to spend approximately \$484,000 on other projects to be in compliance.

A number of projects and issues have contributed to this spend down shortfall. Among them are:

- HUD's policy change requiring that program income from our revolving loan funds be included in the spend down calculation;
- Delay's in the Continental Roof Rehabilitation Project, where we had anticipated that \$250,000 would be used from the Commercial RLF¹;
- Delays in purchasing equipment and construction of the Handicapped Accessible Playground in Marcotte Park related to fund raising activities and the need for civil design work on the site;
- A determination that the Council approved reallocation of \$150,000 from the Commercial RLF for improvements related to the relocation of the recreational fields at Franklin Pasture could not meet HUD's requirements.²

If the spend down requirement is not met, the City loses any amount over the 1.5 times cap and is at risk for reductions in future funding.

Potential Projects

Over the last few weeks, there have been several meetings between Administration, Finance, Public Works, and Economic and Community

¹ Negotiations on the obligations of the owners for receiving of the grant were protracted, the scope of services for the work were constrained by the amount of funding available, the owners were unwilling to commit to the requirements of receiving the funds when they had active buyer interest in the mill, and at this point, the winning bidder for the work cannot start on the repairs until next spring.

² In June, the Council approved reallocating \$150,000 from the CDBG capitalized Commercial Revolving Loan Fund to fund improvements related to the relocation of the recreational fields at Franklin Pasture, including lighting and a pitcher's mound. As we moved through the regulatory steps to get federal approval to make those investments, it became apparent we would not be able to spend the money quickly enough to help meet our spend down requirement. Further exacerbating the issue is a HUD mandated environmental review, which is different from other federal environmental reviews, that need to be completed with a "Finding of No Significant Impact" (FONSI) before any dollars can be spent on the project. If we want to use CDBG dollars for the playing fields, we would need to stop all site work and construction of the school until the environmental review was complete. We argued that the playing fields were a separate construction project from the school, but HUD determined that the playing fields were only being rebuilt because the school was being built where the playing fields had been.

Development to identify projects that could be quickly undertaken to allow the City to meet HUD's required spend down. The recommended projects include:

1. **\$200,000 - Beech Street Bridge** - for materials to build the replacement bridge over the lower canal into Simard Payne Park
2. **\$50,000 - Hudson Bus Athletic Field**- for environmental review, concept design and engineering
3. **\$35,000 - Shane's Inspiration**- for environmental, engineering and civil design³
4. **Up to \$250,000 - Tree Street Youth** – to assist in construction of new space for the younger grades.

Funding for these projects could be transferred from the CDBG program's Commercial Revolving Loan Fund, which currently has a \$608,550 balance. The program also generates approximately \$120,000 annually in program income. City staff continues to communicate with several downtown building owners who have inquired about utilizing the Façade, Life Safety, Elevator, or Commercial Loan Programs. However, there is no active application in house. These funds can be partially restored through future year CDBG funding should any of the projects now under discussion come to fruition.

All previously named city departments are focused on making sure the spend down requirement will be met. A staff meeting is scheduled for October 31st to determine progress and further refine the strategy as more information becomes available.

Requested Action

We are asking the Council to hold a public hearing at its November 21, 2017 meeting to consider reallocating funds from the Commercial RLF program to the uses outlined above.

HUD requires a 30 day public comment period when substantial changes to the 5 Year Consolidated Plan or Annual Action Plan (budget for expenditures) are contemplated. These recommendations rise to that level. Public notice of these proposed changes was published in the October 7th Sun Journal. A workshop on the spend down issue and proposed funding reallocations will be held on October 10th. A public hearing on the changes will be held on October 17th. Public comment will be taken until 4 pm on November 8th. The Council is slated to take action on the proposed changes at its November 21st meeting.

Citizen Participation

On a related note, HUD has changed the criteria that must be met to engage citizens in helping develop recommendations for the use of CDBG dollars. Lewiston has a master policy called *Community Development Grant Program Citizen Participation Plan* that was last approved by the City Council on February 7, 2012. A public hearing on the proposed changes to that document will be

³ The funding for this will come from the existing CDBG allocation of \$175,000 for this project. The change here is to include these elements of the work in the project description.

held on October 17th, with council action scheduled for November 21st. Public notice of the 30 day public comment period was published on October 7th. The document is currently available for review on the Economic and Community Development department's web page on the City's web site at <http://www.ci.lewiston.me.us/index.aspx?NID=131> (see Draft Citizen Participation Plan link).

The proposed changes to this policy that most directly impact the current proposal to reallocate certain CDBG funds deal with the issue of significant changes to the project funding plan that occur during the funding year. They are:

"During the year, outside of the regular application process, projects for funding in excess of \$10,000 that fall outside of the Program Guidelines may be presented to the City Council for review and approval. A description of the project and the amount of the funding requested will follow the same public notification process as the regular application process. The action will take place as a public hearing using the same public process as described in the previous paragraph."

"2. Public Hearing Requirements for a Substantial Amendment:

To provide citizens with reasonable notice and an opportunity to comment on substantial amendments to the Plans, reasonable notice must include a summary of the proposed change and its potential effect on households of low and moderate income. The summary must be published in a newspaper of general circulation and the Economic and Development Department Page under Plans and Resources on the City's website and include an opportunity for comment by interested citizens and groups for a period of not less than thirty (30) days prior to implementing the amendment. The published summary must state that written comments must be submitted to the City by a specified date. Any comments or views of citizens and units of general local government received online, in writing, or orally during the comment period or at public hearings must be considered in adopting a substantial amendment to the Plans. The City shall attach a summary of these comments or views to the substantial amendment as finally approved."

LEWISTON CITY COUNCIL

MEETING OF NOVEMBER 21, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 19

SUBJECT:

Order Approving the HOME Agreement for The Hartley Block and authorizing the City Administrator to execute the same.

INFORMATION:

In June 2016, the City Council entered into a joint development agreement with the Szanton Company for the development of a 63 unit mixed income housing project on Lisbon Street between Pine and Ash Streets to be named the Hartley Block. This project will also include retail space on the Lisbon Street frontage. It will replace a number of buildings lost years ago due to fire and recreate the missing links in this block of Lisbon Street frontage. The Joint Development Agreement calls for the City to provide \$325,000 in HOME funds to assist with this project, contingent upon Szanton securing all necessary funding for the project to move forward. That has been accomplished, and the project is ready to move forward. Additional background and information is available in the attached memorandum from Lincoln Jeffers.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To approve the Order approving the HOME Agreement for The Hartley Block and authorizing the City Administrator to execute the same.



City of Lewiston, Maine
City Council Order
November 21, 2017



ORDER, Approving the HOME Agreement for The Hartley Block and Authorizing the City Administrator to Execute the Same

Whereas, the Szanton Company, dba as Szanton Monks Properties, LLC, as The Hartley Block, LP, and as Maine Workforce Housing, LLC, desires to build a 63 unit mixed income housing project at 159 – 177 Lisbon Street in Lewiston, Maine; and

Whereas, the City Council approved a Joint Development Agreement between the City and the Hartley Block, LP which was executed on June 28, 2016; and

Whereas, in that Joint Development Agreement, the City agreed to provide \$325,000 of HOME funds to assist with construction of the project; and

Whereas, that pledge of HOME funds was contingent upon the Hartley Block, LP securing financing to construct The Hartley Block; and

Whereas, MaineHousing has committed \$7,988,870 in Low Income Housing Tax Credits, \$625,075 of HOME funds, and additional debt financing to fund construction of the project; and

Whereas, the attached *HOME Agreement and Declaration of Covenants and Restrictions* between the City and The Hartley Block, LP specifies the obligations of each party related to the commitment of City HOME funds, including but not limited to the timing of disbursement of HOME funds, income restrictions on tenants, restrictions on rents that can be charged, and how the property will be marketed and comply with federal fair housing requirements;

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

The attached *HOME Agreement and Declaration of Covenants and Restrictions* between the City and The Hartley Block, LP is hereby approved and the City Administrator is authorized to execute the document on behalf of the City.

Economic and Community Development

Lincoln Jeffers

Director

Lewiston



2007



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: **Hartley Block HOME Agreement**
Date: October 12, 2017

Background

The City of Lewiston approved a public private partnership with the Szanton Company in June 2016 in which the City agreed to sell 159 -177 Lisbon Street to Szanton for the construction of a 63 unit apartment building that would also have 4,100 s.f. of retail on Lisbon Street. Of the 63 apartments, 22 will be market rate units; the remainder will be workforce housing with income restrictions for eligible tenants. In addition to selling Szanton a portion of the land required for the project, the City agree to reimburse the developer 50% of the new taxes paid that are generated by the project for a period of 20 years to help offset operational expenses; to provide \$325,000 in federal HOME funds as a grant as well as a \$230,000 deferred 30 year 0% interest loan to help pay for construction costs; and to lease at market rates up to 91 spaces in publicly owned parking facilities for a period of 30 years. Szanton agreed to invest a total of approximately \$11 million into the project.

Shortly after the Low Income Housing Tax Credits (LIHTC) were awarded by MaineHousing for the project, the price investors paid for the LIHTC dropped from 98 cents to 87 cents per dollar of credit, creating an \$870,000 financing gap in the project. To close the funding gap, Szanton significantly increased the equity he is putting into the project and came to agreements with the City, tax credit syndicator, and MaineHousing to make the project financially viable. Coming to terms on those agreements delayed the start of construction for approximately 6 months, but Szanton has been working diligently to close on the financing, real estate, and begin construction this year.

Agreement Summary

Federal HOME regulations require a formal agreement to commit HOME funds to the project. That agreement, the *HOME Agreement and Declaration of Covenants and Restrictions*, specifies the requirements the developer must meet to receive HOME funds. The agreement articulates the various federal regulations that must be abided by as to the timing of disbursement of HOME funds, income restrictions on tenants, restrictions on rents that can be charged, and how the property will be marketed and comply with federal fair housing requirements.

In addition to the \$325,000 of HOME funds from Lewiston, MaineHousing is investing \$625,075 of HOME funds into the project. One change from when the Joint Development Agreement was approved is that Lewiston's HOME funds will be provided as a 0% interest, 30 year deferred loan.

Based on federal regulations that limit the amount of HOME funds that can be invested per unit, The Hartley Block will have 7 of the 63 units designated as HOME units. The units will be "floating" rather than dedicated to specific units. With floating units, if the income of a tenant who qualified to rent a HOME unit increases beyond the income cap, the next available apartment of the same size will become a HOME unit and be rented to an income qualified tenant.

Of the seven units, four will be 1 bedroom units, two will be 2 bedroom units, and one will be a 3 bedroom unit. Four of the units will be considered "Low HOME" units, where the apartment is rented to tenants with a household income less than 50% of the Area Median Income (AMI), based on household size. The 2017 income limits are attached as Exhibit C to the agreement but, for example, they range from \$21,250 for a one person household, to \$30,350 for a four person household. The other three units will be considered "High HOME" apartments, which are rented to tenants making no more than 60% of the AMI. High HOME income limits for a one person and four person household are \$25,500 and \$36,420.

Low HOME rents in 2017 for one, two and three bedroom units are capped at \$569, \$683 and \$789. High HOME rents are capped at \$660, \$832, and \$1,063. The 2017 rent limits are included as part of the HOME Agreement as Exhibit B. The U.S. Department of Housing and Urban Development adjusts the income and rent limits annually.

Requested Action

The City Council is asked to approve the *HOME Agreement and Declaration of Covenants and Restrictions* and to authorize the City Administrator to execute the document. This is the last council action required to release the HOME funds that will be used to help pay construction costs of the project.

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

This HOME AGREEMENT AND DECLARATION OF COVENANTS AND RESTRICTIONS (the "Agreement") is made this __ day of October 2017 by and between the CITY OF LEWISTON, a municipal corporation (the "City") with a mailing address of 27 Pine Street, Lewiston, Maine 04240, and THE HARTLEY BLOCK, LP, a Maine limited partnership with a mailing address of 482 Congress Street, Suite 203, Portland, Maine 04101 (the "Borrower" or the "Partnership"), in furtherance of the regulations issued by the United States Department of Housing and Urban Development set forth in 24 CFR Part 92 (the "HOME Regulations").

WHEREAS, 155 Lisbon Street, LLC ("General Partner"), is the sole general partner of Partnership;

WHEREAS, Partnership has site control of property located at 151-177 Lisbon Street, Lewiston, Maine (the "Property");

WHEREAS, the Partnership is constructing a new building on the Property, consisting of 41 units of affordable rental housing including one, two and three bedroom housing units (the "Units") and related space for income qualified individuals and families as well as 22 market rate one and two bedroom units ("Project") on the Property;

WHEREAS, the City is providing a loan from HOME funds in the amount of up to \$325,000 with funds from the United States Department of Housing and Urban Development's HOME Investment Partnerships Program to the Partnership (the "Loan") to pay certain eligible costs in the project budget attached as Exhibit A for the new construction of 7 of the Units ("HOME Units"), the terms of which are specified in the Construction Loan Agreement between the City and the Borrower, dated as of the date hereof and incorporated by reference. The City is also providing a loan of \$230,000 to the Partnership for the Project from other non-HOME funds. The documentation associated with Loan, including this document, is referred to as the "Loan Documents";

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

WHEREAS, City has provided the Loan to Partnership in consideration of the Partnership's agreement to abide by the provisions of this Agreement;

NOW THEREFORE, City and the Partnership agree as follows:

1. **Project Description:** The Project consists of new construction of 63 units of housing. Of these, 41 will be affordable rental housing to serve low-income households. Among these, the HOME Units will consist of 1 three-bedroom unit, 2 two-bedroom units, and 4 one-bedroom units. The Project location is on the Property. The amount of HOME subsidy per HOME

Unit is approximately \$135,725, which includes the Loan as well as \$625,075 of Federal HOME funds provided to the project by MaineHousing to assist in the construction of HOME Units. The subsidy will be provided in the form of a deferred loan with no re-payment required until maturity unless there is a default not cured during any applicable cure period.

2. Term of this Agreement/Affordability Period. This Agreement shall remain in effect, in accordance with 24 CFR §§ 92.252(e) and 92.504, for twenty (20) years after the date on which the HOME Units are first occupied ("Affordability Period").

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

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

5. Schedule. The start and completion of rehabilitation on the Property shall be accomplished within the time provided in the Loan Documents. Construction shall be completed no later than the date which is eighteen (18) months from the date of the first disbursement of the Loan.

6. Rent Affordability.

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

- a. Low Income Requirements: All of the HOME Units will be occupied by persons whose income is less than 80% of area median income ("AMI") adjusted by family size.

- b. HOME Units: Pursuant to 24 CFR § 92.252(j), all of the HOME Units will be on a floating basis. Pursuant to 24 CFR § 252(b), all of the HOME Units shall be rented to households whose income is at or below 60% of the area median income ("AMI").
- c. Rent Calculations: During the Affordability Period defined in Section 2, all HOME Units must be leased to income eligible tenants for no more than the maximum allowable rents. The maximum allowable rents and utility allowances must be recalculated annually. A HOME Unit is rent-restricted if the gross monthly rent does not exceed the rents for the appropriate unit size and geographic area published for the HOME Investment Partnership Program, or successor program, by HUD. Gross monthly rent shall include any payment under Section 8 of the United States Housing Act of 1937 and utility allowance, where applicable, determined by taking into account such determinations under Section 8 of the United States Housing Act of 1937. New rent maximums for the HOME Investment Partnership Program, or successor program, are published annually by the U.S. Department of Housing and Urban Development ("HUD") to help all Partnerships establish revised maximum allowable rents for their projects available on the HUD website at:

<https://www.hudexchange.info/programs/home/home-rent-limits/>

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

- 1) Low HOME Rent: Pursuant to 24 CFR 92.252(b), 4 of the HOME Units will be occupied by a household at or below 50% of AMI. The rent for these units shall not exceed the greater of:
- a) 30% of the tenant's monthly adjusted income; or
 - b) 30% of the annual income of a family whose income equals 50% of the AMI as published by HUD each year as the Low HOME Rent; or

If rent is calculated under 1(a) above and the HOME Unit receives a Federal or State tenant-based rental subsidy, the maximum rent may be the rent allowable under the tenant-based rental subsidy program.

- 2) High HOME Rent: Pursuant to 24 CFR 92.252(b) 3 of the HOME Units will be occupied by a household at or below 60% of AMI. The rent for High HOME units will be the lesser of:

- a) the fair market rent determined under Section 8 of the U.S. Housing Act of 1937 for existing housing; or
- b) 30% of the adjusted income of a family whose annual income equals 60% of AMI income as published by HUD each year as the High HOME Rent.

- d. Pursuant to 24 CFR § 92.252(a), the maximum rent for residents paying utilities and services shall not exceed the applicable maximum rent less a monthly utility allowance as determined by Lewiston Housing Authority for their federal rental

voucher or certificate program. Income eligibility and rent will be determined in accordance with the HOME Regulations.

- e. Actual rent charges for HOME Units are subject to City's approval which must be obtained prior to any assessment or increase. The Partnership shall provide prior written notice to a resident before increasing the rent in accordance with State law and HOME Regulations (24 CFR § 92.252(a)(3)) (which as of the effective date of this Agreement is forty-five (45) days prior written notice).
- f. Pursuant to 24 CFR § 92.252(h), during the Affordability Period, the Partnership is responsible for certifying the incomes of all initial tenants who lease a HOME Unit. In addition, the Partnership must provide the City with annual documentation and certification of the incomes of tenants residing in HOME Units.
- g. Pursuant to 24 CFR § 92.252(e), HOME Units shall remain affordable in accordance with this Agreement without regard to the term of any mortgage or transfer of ownership of the Property by the Partnership, except that the affordability restrictions may terminate upon foreclosure or transfer in lieu of foreclosure. The affordability requirements of this Agreement shall revive according to original terms if, during the Affordability Period, the Partnership of record, before the foreclosure, or deed in lieu of foreclosure, or any entity that is owned in part or in whole by a former Partnership or has family or business ties with a former Partnership, obtains a Partnership interest in the Property.

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

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

<https://www.hudexchange.info/programs/home/home-income-limits/>

The current HOME income limits are attached hereto as Exhibit C. The Partnership will determine annual income by examining the source documents evidencing annual income.

- b. Subject to the requirements set forth in Section 6 above, if the income of an initially eligible resident exceeds the applicable income limit set in Section 7 of this

Agreement during the resident's occupancy of the applicable unit, the initially eligible resident will be treated as continuing to meet the applicable income limit, provided that the Partnership shall rent the *next available comparable unit* in the Project to a resident whose income does not exceed the applicable income limit as follows:

1) If the income of a resident in a High HOME Unit increases above 80% of AMI, then Partnership shall rent the *next available comparable unit* in the Project to an individual or family whose income does not exceed 60% of AMI. The initially income eligible resident whose income rises above 80% of AMI shall pay rent in an amount equal to the lesser of (a) 30% of the resident's adjusted income, or (b) the market rent for comparable units in the area that are not HOME-assisted.

2) If the income of a resident in a Low HOME Unit increases above 50% of AMI, but not 80% of AMI, then the Partnership shall rent the *next available comparable unit* in the Project to an individual or family whose income does not exceed 50% of AMI. The maximum rent that the initially eligible resident shall pay is the High HOME Rent.

3) If the income of a resident in a Low HOME Unit increases above 80% of AMI, then the Partnership shall rent the *next available comparable unit* in the Project to an individual or family whose income does not exceed 50% of AMI. The initially income eligible resident whose income rises above 80% of AMI shall pay rent in an amount equal to the lesser of (a) 30% of the resident's adjusted income, or (b) the market rent for comparable units in the area that are not HOME funded units.

c. If a HOME Unit has been allocated low-income housing tax credits pursuant to Section 42 of the Internal Revenue Code of 1986, as amended (the "Code"), the amount of rent the initially income eligible resident pays shall not be adjusted and the unit does not need to be replaced by another comparable unit until the resident's income rises above 140% of the income restrictions established under Section 42 of the Code.

8. Resident Protections. The Partnership shall comply with 24 CFR § 92.553, which includes the following resident protections.

a. Written Leases. The Partnership shall enter into a written lease with residents in HOME Units. The term of the lease shall be for a period of at least one (1) year, except by mutual written agreement of the resident and the Partnership.

b. Prohibited Lease Terms. The lease may not contain any of the following provisions:

1) an agreement by the resident to be sued, to admit guilt, or to a judgment in favor of the Partnership in a lawsuit brought in connection with the lease;

- 2) an agreement by the resident that the Partnership may take, hold, or sell personal property of household members without notice to the resident and a court decision on the rights of the parties; provided, however, this prohibition does not apply to an agreement by the resident concerning disposition of personal property remaining in the unit after the resident has moved out of the unit, in which case the Partnership may dispose of this personal property in accordance with Maine law;
 - 3) an agreement by the resident not to hold the Partnership or the Partnership's agents legally responsible for any action or failure to act, whether intentional or negligent;
 - 4) an agreement of the resident that the Partnership may institute a lawsuit without notice to the resident;
 - 5) an agreement by the resident that the Partnership may evict the resident or household members without instituting a civil court proceeding in which the resident has the opportunity to present a defense, or before a court decision on the rights of the parties;
 - 6) an agreement by the resident to waive any right to a trial by jury;
 - 7) an agreement by the resident to waive the resident's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease; and
 - 8) an agreement by the resident to pay attorney's fees or other legal costs even if the resident wins in a court proceeding by the landlord against the resident; provided, however, the resident may be obligated to pay costs if the resident loses.
- c. Termination of Tenancy. The Partnership shall not terminate the tenancy or refuse to renew the lease of a resident except for serious or repeated violation of the terms and conditions of the lease; for violation of applicable federal, state, or local law; for completion of the tenancy period for transitional housing; or for other good cause. Any termination or refusal to renew must be preceded by not less than thirty (30) days written notice specifying the grounds for the action, which notice must be served upon the resident by the Partnership or its agent.
- d. Resident Selection. The Partnership shall not discriminate on the basis of race, creed, color, sex, age, handicap, marital status, sexual preference, national origin or any other basis prohibited by law in the lease, use, and occupancy of the units or in connection with the employment of application for employment of persons for the operation and management of the units. The Partnership shall not discriminate against, or refuse to lease, rent, or otherwise make available the units to, a holder of a certificate or voucher under the federal rental certificate or voucher program or a holder of a comparable document evidencing participation in a HOME Program tenant-based assistance program because of the status of the prospective tenant as a

holder of such certificate, voucher or comparable HOME Program tenant-based assistance document. The Partnership shall adopt written resident selection policies and criteria specific to the targeted population of residents to be housed in the HOME-assisted Units that:

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

9. Property Standards

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

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

10. Affirmative Marketing and Minority Outreach Requirements

Pursuant to 24 CFR § 92.351, the Partnership agrees to comply with the affirmative marketing and minority outreach requirements of the City's Fair Housing and Affirmative Marketing Policy, which is attached as Exhibit D, as may be amended or replaced from time to time. The Partnership shall maintain evidence to demonstrate compliance with the policy and procedures and provide the City with annual reports of compliance.

11. Records

The Partnership shall maintain:

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

12. Monitoring

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

13. Reports

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

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

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

2) Proposed form of leases.

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

d. The Partnership shall submit a report by January 30th of each year which demonstrates:

1) pursuant to 24 CFR § 92.252(f)(2), information on rents and occupancy of the HOME Units as of December 31 of the previous year in the form attached hereto as Exhibit F; and

2) efforts to promote fair housing in the form attached hereto as Exhibit G.

14. Enforcement of the Agreement

This Agreement shall be enforceable by the City in accordance with the terms hereof. A default of any document executed by the Partnership related to this Agreement (collectively referred to as the "Loan Documents"), including, without limitation the HOME Non-Recourse Promissory Note in the aggregate original principal amount of Three Hundred and Twenty Five Thousand Dollars (\$325,000), the other Non-Recourse Promissory Note in the original principal amount of Two Hundred and Thirty Thousand Dollars (\$230,000) from the Partnership to the City dated even herewith, the Construction Loan Agreement between the City and the Partnership dated even herewith, the Mortgage and Security Agreement from the Partnership to the City dated even herewith, and the Collateral Assignment of Leases and Rents from the Partnership to the City dated even herewith which defaults are not cured within any applicable grace period, shall be a default under this Agreement. Upon default of this Agreement or a default by the Partnership under any Loan Document which is not cured within any applicable grace period, the City may exercise any remedy provided hereunder and/or under the Loan Documents, including the right to foreclose on the Property, and/or maintain an action in law or in equity (through injunctive relief or specific performance) to enforce this Agreement and/or immediately cure the default, and/or collect damages.

Notwithstanding anything to the contrary contained herein: (i) Partnership shall have thirty (30) days to cure any monetary default and sixty (60) days to cure any non-monetary

defaults (or such longer period of time reasonably determined by City if such non-monetary default is curable but cannot be cured within sixty (60) days despite the commercially reasonable efforts provided cure is commenced during the sixty (60) days and diligently pursued until completion); (ii) the limited partners of the Partnership shall have the right

(but not the obligation) to cure any default within any applicable cure period set forth herein; and (iii) this Agreement is subject to the terms of a an Intercreditor Agreement of even date among Partnership's lender, if any, Maine State Housing Authority, City, Maine Workforce Housing, LLC and Partnership and any amendment and restatement or other replacement of such agreement executed by the parties thereto (the "Intercreditor Agreement").

15. Other Program Requirements. 24 CFR § 92

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

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

(i) Nondiscrimination and Equal Opportunity.

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

(2) Training, Employment, and Contracting Opportunities Assurance of

Compliance: The Loan derives from a program providing financial assistance from HUD which is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u ("Section 3"), and the regulations issued by HUD to implement Section 3 (24 CFR Part 135) (the "Section 3 Regulations"). Pursuant to 24 CFR 135.3, the requirements of the Section 3 Regulations apply to the recipient of such financial assistance only where the amount of federal assistance exceeds \$200,000, and apply to a contractor or subcontractor of such recipient only where the amount of assistance of the contract or subcontract exceeds \$100,000. The Partnership shall provide, to the greatest extent feasible, training, employment and contracting opportunities generated by the financial assistance to low- and very-low income persons and business concerns owned by low- or very-low income persons, or which employ low- or very-low income persons.

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

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

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

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

b. Affirmative Marketing. The Partnership shall comply with the provisions of Section 10 above.

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

d. Labor. If applicable pursuant to the HOME Regulations, the Partnership shall pay not less than the wages prevailing in the City, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a-276a-5), to all laborers and mechanics

employed in the development of any part of the housing, including, ensuring the construction contract includes the above wage provisions.

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

f. Conflict of Interest.

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

(2) Prohibition Against Occupying HOME Units. No officer, employee, agent, official or consultant of the Partnership may occupy a HOME Unit.

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

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

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

j. Project. The Project shall consist of the Property together with a building or a portion of a building or structure functionally related and subordinated thereto each containing one or more

similarly constructed units and facilities which are functionally related and subordinate to such units and any property leased on property other than the Property for the purpose of providing additional parking for the Project.

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

L No Change to Units. The Partnership shall not make any change in the nature, size, number or location of the Units in the Project or the amount of commercial or non- residential space.

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

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

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

The exercise of any remedies by the City is subject to the terms and conditions of the Intercreditor Agreement or other similar agreement to which the City is a party. The City shall be entitled to recover its attorney fees in connection with any actions taken in order to enforce this Agreement, even if it does not initiate litigation in connection with such enforcement.

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

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

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

20. Extended Use Agreement. The City acknowledges that Borrower and Maine State Housing Authority (the "Credit Agency") intend to enter into an extended use agreement, which constitutes the extended low-income housing commitment described in Section 42(h)(6)(B) of the Internal Revenue Code, as amended (the "Code"). As of the date hereof Code Section 42(h)(6)(E)(ii) does not permit the eviction or termination of tenancy (other than for good cause) of an existing tenant of any low-income unit or any increase in the gross rent with respect to such unit not otherwise permitted under Code Section 42 for a period of three (3) years after the date the building is acquired by foreclosure or by instrument in lieu of foreclosure. In the event the extended use agreement required by the Credit Agency is recorded against the Property, the Lender agrees to comply with the provisions set forth in Code Section 42(h)(6)(E)(ii).

21. Authority of the Partnership The Partnership hereby covenants and represents that (a) the Partnership is a Maine limited partnership, validly existing under the laws of the State of Maine, with all requisite power, authority and legal right to perform the obligations set forth in this Agreement; (b) the Partnership is duly authorized to execute and deliver this Agreement and to perform the obligations set forth herein; (c) the undersigned individual is duly authorized to execute and deliver this Agreement and to bind Partnership to the terms and conditions hereunder.

22. Taxes. The Partnership shall pay to the City all real estate taxes assessed on the Premises, and covenants that if ownership of the Premises is conveyed to a tax exempt organization, including but limited to a 501(c)(3) organization, that it will provide notice to said tax exempt organization that City will require a payment-in-lieu of taxes equal to the property taxes assessed on the Premises. This covenant shall terminate upon termination of this Agreement pursuant to Section 2 above.

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

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

25. Change in Federal Law. The Partnership acknowledges that this Agreement is based upon the HOME Investment Partnerships Program as it exists on the effective date hereof and that HOME Regulations may be subsequently modified or interpreted by the federal government in a manner that the City believes is inconsistent with the covenants set forth herein. The Partnership agrees to comply with any additional covenants and restrictions that the City believes upon advice of counsel are necessary to ensure compliance with HOME Regulations and that are communicated in writing to the Partnership, even though such covenants or restrictions are not a part of this Agreement as originally executed. In such event, any such additional covenant or restriction shall be deemed an amendment to and material part of this Agreement as if this Agreement had been amended in accordance with Section 21 hereof. If counsel for the Partnership disagrees with the advice of counsel for the City, the Partnership shall have the right at its own expense to proceed with obtaining a favorable ruling from HUD or such court interpretation which the Partnership deems advisable and in its best interest.

26. Assignment. This Agreement and the Loan shall not be assigned by the Partnership without the prior written consent of the City, and any such attempt to do so shall be null and void.

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

28. Successors and Assigns. This Agreement shall be binding upon Partnership and the Partnership's successors, transferees and assigns and shall inure to the benefit of and be enforceable by the City, its successors, transferees and assigns.

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

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

If to City:

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

With a copy to:

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

If to Partnership:

The Hartley Block, L.P.
c/o the Szanton Company
482 Congress Street, Suite
203
Portland, Maine 04101
Attention: Nathan Szanton

With a copy to:

[Notice

addresses to be

added]

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

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

SIGNATURES APPEAR AT TOP OF NEXT PAGE

CITY OF LEWISTON

By: Edward A. Barrett
Its: City Administrator

STATE OF MAINE
ANDROSCOGGIN ss.

November __, 2017

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

Before me,

Notary Public/Attorney-at-Law

WITNESS:

The Hartley Block, LP, Borrower

By: 155 Lisbon Street, LLC, its
General Partner

By: _____

Name: Nathan Szanton
Title: Manager

STATE OF MAINE
ANDROSCOGGIN ss.

November __, 2017

Personally appeared the above named Nathan Szanton and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of The Hartley Block, LP.

Before me,

Notary Public/Attorney-at-Law

EXHIBITS

TABLE OF CONTENTS

- A. Sources and Uses
- B. Rent Limits
- C. Income Limits
- D. Fair Housing and Affirmative Marketing Requirements
- E. Initial Occupancy of HOME-Assisted Units Report
- F. Annual Reports of HOME-Assisted Units
- G. Efforts to Promote Fair Housing

Exhibit A
Sources and Uses

The Hartley Block

155 Lisbon Street, Lewiston, Maine

Developer: Maine Workforce Housing, LLC (Nathan S. Szanton
and Robert C.S. Monks, Principals)

07/28/17

63 Resident Units

41 Low-Income Units

22 Market-Rate Units

5 Residential Stories (3 above retail)

DEVELOPMENT BUDGET - SOURCES OF FUNDS**Sources of Funds**

City HOME funds	325,000	2.9%
City Housing Funds	230,000	
Equity Raise from Sale of LIHTC	7,110,094	63.0%
MSHA Must-Pay Debt - Interest Only	2,596,667	23.0%
MSHA Deferred Debt	0	0.0%
Deferred Developer Fee	550,000	4.6%
GAP (EXCESS)	<u>1,022,418</u>	
TOTAL	11,834,179	100.00%

DEVELOPMENT BUDGET - USES OF FUNDS

	Total Funds
Land Acquisition	162,000
Demolition	0
Site Preparation	0
Off-Site Improvements (paid by Owner)	0
Construction of finished space-residential	8,040,687
Construction of finished space-retail	308,000
Construction Contingency	417,434
Furnishings, Fixtures & Equipment	100,000
Architectural and Engineering	408,500
Civil Engineering	35,000
Landscape Architecture	10,000
Geoengineering	10,000
Testing and Special Inspections	15,000
Legal and Title, Non-TC Related	67,000
Legal, TC Syndication-Related	33,000
Title Insurance	10,000
Brokers Fees	15,400
Retail Fit-up allowance	
Cost Certification/Audit	6,500
Appraisal	5,933
Survey Work	5,600
Market Study	12,500
Environmental Testing & Remediation	8,500
Blower Door Testing	4,500
City and State Permits and Fees	33,478
MSHA Financing Application Fee	2,500
MSHA Financing Commitment Fee	2,000
MSHA Financing Fee	51,824
MSHA Review Fee	2,500
Tax Credit Monitoring Fee	24,600
Tax Credit Allocation Fee	39,944

Soft Cost Contingency	50,000
Developer Overhead and Fee	1,200,000
Tax and Insurance Reserve Pre-Funding	64,393
Rent-up Deficit Reserve	50,000
Operating Reserve	288,729
Pre-Funding of Replacement Reserve	78,100
City of Lewiston Legal Fees	15,000
Construction Loan Orig. Fee	16,000
Construction Loan Interest	177,185
Letter of Credit Fee for Performance Guaranty	3,750
Constr. Lender, Equity Provider Legal Fees	28,000
Constr. Lender Plan Review, Inspection	9,200
Construction Period Insurance	20,000
Construction Period Taxes	1,422
TOTALS	11,834,179

Exhibit B
Rent Limits

U.S. DEPARTMENT OF HUD 04/2017
STATE: MAINE

----- 2017 HOME PROGRAM RENTS -----

PROGRAM	EFFICIENCY	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Bangor, ME HUD Metro FMR Area							
LOW HOME RENT LIMIT	577	618	742	856	956	1055	1153
HIGH HOME RENT LIMIT	623	678	860	1084	1215	1322	1429
For Information Only:							
FAIR MARKET RENT	623	678	860	1084	1369	1574	1780
50% RENT LIMIT	577	618	742	856	956	1055	1153
65% RENT LIMIT	748	803	966	1107	1215	1322	1429
Penobscot County, ME (part) HUD Metro FMR A							
LOW HOME RENT LIMIT	490	525	630	726	811	895	978
HIGH HOME RENT LIMIT	536	573	725	907	1019	1172	1291
For Information Only:							
FAIR MARKET RENT	536	573	725	907	1019	1172	1325
50% RENT LIMIT	490	525	630	726	811	895	978
65% RENT LIMIT	679	729	877	1004	1100	1196	1291
Lewiston-Auburn, ME MSA							
LOW HOME RENT LIMIT	531	569	683	789	881	971	1062
HIGH HOME RENT LIMIT	583	660	832	1063	1199	1304	1410
For Information Only:							
FAIR MARKET RENT	583	660	832	1063	1270	1461	1651
50% RENT LIMIT	531	569	683	789	881	971	1062
65% RENT LIMIT	739	793	953	1092	1199	1304	1410
Portland, ME HUD Metro FMR Area							
LOW HOME RENT LIMIT	718	770	923	1067	1191	1314	1436
HIGH HOME RENT LIMIT	911	994	1194	1372	1510	1648	1786
For Information Only:							
FAIR MARKET RENT	911	1028	1301	1755	1906	2192	2478
50% RENT LIMIT	718	770	923	1067	1191	1314	1436
65% RENT LIMIT	926	994	1194	1372	1510	1648	1786
York-Kittery-South Berwick, ME HUD Metro FM							
LOW HOME RENT LIMIT	750	803	963	1113	1241	1370	1498
HIGH HOME RENT LIMIT	840	893	1187	1485	1758	1921	2083
For Information Only:							
FAIR MARKET RENT	840	893	1187	1485	1975	2271	2568
50% RENT LIMIT	750	803	963	1113	1241	1370	1498
65% RENT LIMIT	1075	1153	1386	1593	1758	1921	2083
Cumberland County, ME (part) HUD Metro FMR							
LOW HOME RENT LIMIT	635	680	816	942	1051	1160	1268
HIGH HOME RENT LIMIT	644	688	910	1325	1336	1536	1737
For Information Only:							
FAIR MARKET RENT	644	688	910	1325	1336	1536	1737
50% RENT LIMIT	635	680	816	942	1051	1160	1268
65% RENT LIMIT	905	971	1168	1340	1476	1610	1744

For all HOME projects, the maximum allowable rent is the HUD calculated High HOME Rent Limit and/or Low HOME Rent Limit.

Exhibit C
Income Limits

U.S. DEPARTMENT OF HUD 04/11/2017
STATE: MAINE

----- 2017 ADJUSTED HOME INCOME LIMITS -----

PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Bangor, ME HUD Metro FMR Area								
30% LIMITS	13250	15150	17050	18900	20450	21950	23450	24950
VERY LOW INCOME	22050	25200	28350	31500	34050	36550	39100	41600
60% LIMITS	26460	30240	34020	37800	40860	43860	46920	49920
LOW INCOME	35300	40350	45400	50400	54450	58500	62500	66550
Penobscot County, ME (part) HUD Metro FMR A								
30% LIMITS	11750	13400	15100	16750	18100	19450	20800	22150
VERY LOW INCOME	19600	22400	25200	27950	30200	32450	34700	36900
60% LIMITS	23520	26880	30240	33540	36240	38940	41640	44280
LOW INCOME	31300	35800	40250	44700	48300	51900	55450	59050
Lewiston-Auburn, ME MSA								
30% LIMITS	12750	14600	16400	18200	19700	21150	22600	24050
VERY LOW INCOME	21250	24300	27350	30350	32800	35250	37650	40100
60% LIMITS	25500	29160	32820	36420	39360	42300	45180	48120
LOW INCOME	34000	38850	43700	48550	52450	56350	60250	64100
Portland, ME HUD Metro FMR Area								
30% LIMITS	17300	19750	22200	24650	26650	28600	30600	32550
VERY LOW INCOME	28750	32850	36950	41050	44350	47650	50950	54200
60% LIMITS	34500	39420	44340	49260	53220	57180	61140	65040
LOW INCOME	46000	52600	59150	65700	71000	76250	81500	86750
York-Kittery-South Berwick, ME HUD Metro FM								
30% LIMITS	18000	20600	23150	25700	27800	29850	31900	33950
VERY LOW INCOME	30000	34250	38550	42800	46250	49650	53100	56500
60% LIMITS	36000	41100	46260	51360	55500	59580	63720	67800
LOW INCOME	47600	54400	61200	68000	73450	78900	84350	89800
Cumberland County, ME (part) HUD Metro FMR								
30% LIMITS	15250	17400	19600	21750	23500	25250	27000	28750
VERY LOW INCOME	25400	29000	32650	36250	39150	42050	44950	47850
60% LIMITS	30480	34800	39180	43500	46980	50460	53940	57420
LOW INCOME	40600	46400	52200	58000	62650	67300	71950	76600
Sagadahoc County, ME HUD Metro FMR Area								
30% LIMITS	14850	16950	19050	21150	22850	24550	26250	27950
VERY LOW INCOME	24700	28200	31750	35250	38100	40900	43750	46550
60% LIMITS	29640	33840	38100	42300	45720	49080	52500	55860
LOW INCOME	39500	45150	50800	56400	60950	65450	69950	74450

Exhibit D

Fair Housing and Affirmative Marketing Requirements

Exhibit E

Initial Occupancy of HOME-Assisted Units Report

Exhibit F
Annual Reports of HOME Assisted Units

Exhibit G
Efforts to Promote Fair Housing