

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
MAY 1, 2018**

6:00 p.m. Executive Session

- ES-1. Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
- ES-2. Executive Session to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag

Acceptance of the minutes of the April 17, 2018 meeting.

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 2.

REGULAR BUSINESS:

1. Public Hearing for approval of outdoor concerts at Dufrense Plaza to be held in conjunction with the Sunday Indie Markets.
2. Public Hearing for approval of an Outdoor Entertainment Permit for the Lewiston Farmers Market concerts.
3. Public Hearing for an extension of Liquor License to include outdoor service at Fish Bones American Grill.
4. Public Hearing and First Passage regarding an amendment to the Fire Prevention and Protection ordinance.
5. Public Hearing and Resolve Approving the Federal FY2018 Community Development Block Grant (CDBG) Action Plan Budget and HOME budgets for submittal to the U.S. Department of Housing and Urban Development (HUD).
6. Final Budget Public Hearing for the Fiscal Year 2019 Municipal Budget.
7. Resolve Approving the FY19 Budget for the Lewiston School Department.
8. Budget Recommendations from the Finance Committee regarding the proposed Fiscal Year 2019 Municipal Budget.
9. Order Authorizing the City Administrator to provide city services and funding for City Non-Profit Organization Activities in accordance with the FY2019 City Council approved list.
10. Resolve Authorizing the Use of \$1,500 from the Farrar Fund for costs of basic necessary services for needy individuals.
11. Resolve Approving the Final Adjustments to the Fiscal Year 2019 Municipal Budget.
12. Resolve Making an Appropriation for Utility and Special Revenue Funds for Municipal Budget Year 2019.
13. Resolve Authorizing the use of \$4,557,203 from the General Fund Unassigned Fund Balance for Capital Outlay purchases and other one-time costs.
14. Adoption of Municipal Budget Appropriation Resolve for Fiscal Year 2019.
15. Order, Authorizing the City Administrator to Execute a Settlement Agreement and Release with Franklin Property Trust Regarding 795 Lisbon Street.

16. Order, Authorizing the City Administrator to execute a Memorandum of Understanding with Franklin Property Trust Resolving a Dispute Involving an Agreement with Franklin Property Trust Dated December 16, 2014.
17. Amendment to the Traffic Schedule regarding parking prohibited on a portion of North Temple Street.
18. Resolve, Authorizing the Organizers of the Build Maine Conference to Place a Mural on the Pine Street Side of the Centreville Parking Garage.
19. Award of Bid for Sale of 148 Bartlett Street.
20. Continuation of Request for Abatement of Property Taxes for application submitted under Title 36, section 841 (2) to the May 15, 2018 City Council meeting.
21. Reports and Updates.
22. Any other City Business Councilors or others may have relating to Lewiston City Government.
23. Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.
24. Executive Session to discuss labor negotiations regarding the Maine Association of Police – Patrol Unit and the Lewiston Police Supervisory Command Unit.

LEWISTON CITY COUNCIL
MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET: AGENDA ITEM NO. ES-2

SUBJECT:

Executive Session to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Acquisition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing for approval of outdoor concerts at Dufrense Plaza to be held in conjunction with the Sunday Indie Markets.

INFORMATION:

The Union of Maine Visual Artists has submitted an application requesting permission to hold outdoor concerts on City property. They plan to hold afternoon outdoor concerts at Dufrense Plaza on the third Sunday during the months of May - October.

Per the City Code, an outdoor concert cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

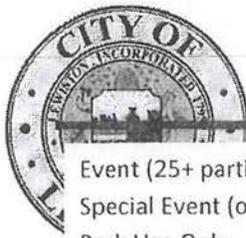
EA/BK/mm

REQUESTED ACTION:

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To conduct a public hearing on an application from The Union of Maine Visual Artists for the outdoor afternoon concerts to be held at Dufresne Plaza on May 20, June 15, August 19, September 16 and October 21, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to The Union of Maine Visual Artists for the outdoor concerts, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

CAL
 DB
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 PDF



2018 Event Application for events from 7/1/18 to

6/30/19

Event (25+ participants) First-Time Event Repeat Event
 Special Event (over 1,000 expected) (requires City Council approval)
 Park Use Only Gazebo Use Amphitheater Use

\$50 PROCESSING FEE DUE AT THE TIME APPLICATION IS SUBMITTED.

NAME: Sunday Indie Market EVENT LOCATION: Du Fresno Plaza
3rd Sundays, April 15, MAY 20, June 15, Aug 19, Sept 16, Oct 21
 SCHEDULED DATE: _____ RAIN DATE (if applicable): NA Application Date: 2/26/18

RING DATES: _____

TYPE OF EVENT (indicate all that apply) ESTIMATED ATTENDANCE: _____

Run Festival Concert Road Race Parade Carnival Fireworks
 BBQ Arts Live Performance Wedding Ceremony Wedding Reception

please specify): _____ Open to Public Invitation Only Age Restricted

LENGTH OF EVENT: 12 to 4 SET-UP TIME: 10 TAKE-DOWN TIME: by 5

TYPE OF ORGANIZATION: Union of Maine Visual artists APPLICANT NAME: Sheri Withers Hollenbeck

PHYSICAL ADDRESS: 178 Lisbon St. CITY: Lewiston STATE: ME

NON-PROFIT: FOR-PROFIT: DAYTIME PHONE: _____ CELL: 254-9753

EVENT MANAGER (Day of Event): Same # CELL/PAGER: _____

STAFF USE ONLY Event Number: _____ **STAFF USE ONLY** Final

At-A-Glance FV190012

Administration

Music/Entertainment CC Date: ___/___/___
 Amplification Vendors
 Service License Outside Alcohol
 Alcohol Permit Police Assistance
 Electrical Access Fire Inspection
Electrical
 Closure Group Notification
 Mass Contact Plan Advertising Req.
 Donation or In-kind Services Req.

CITY CLERKS | Kelly Brooks _____
 FIRE | Paul Ouellette _____
 POLICE | Derrick St. Laurent _____
 PUBLIC WORKS | Megan Bates _____
 SANITARIAN-CODE | Sue Reny _____
 CK _____ CC _____ CA _____
 Processing Fee: _____ Park Fee: _____ COI: Same as last yr.
 Clerk's Fees: _____ Map(s) Received: _____
 NP: 501(C)3 _____ IRS Letter _____ Form 990 _____

EVENT LOCATION (specific street/sidewalks): _____ # of days _____

Events in our Park (Please select one)

PARK MAP REQUIRED (see page 5)

Non-profit (NP) Discounts (if applicable)

Lewiston-based NP ___ 80%

Out-of-Town NP/Fundraiser ___ 50%

Out-of-Town NP ___ 34%

PARK FEE(S)

Simard-Payne Park | \$135 day ___ Dufresne Plaza | \$265 day Amphitheater Only | \$25 hr.

Amount \$ _____

(other fees may apply)

NO FEES ASSESSED

Kennedy Park ___ Gazebo ___ Marcotte Park ___ Pettingill School Park ___ Potvin Park ___

Raymond Park ___ Sunnyside Park ___ Veterans Park ___ (Are you a veteran? Yes ___ No ___)

City Clerk's Office

(Please check all that apply)

Sound Amplification Needed? Yes No ___ Please describe

Acoustic or small Amp

SOUND AMPLIFICATION PERMIT may be required

\$17 per day Amount \$ _____

Live Performance? Yes No ___ Please describe

OUTDOOR ENTERTAINMENT PERMIT City Council approval is required \$50 Amount \$ _____

Food? Yes No ___ Sold Given Away ___ Type _____

Food Truck Food

Truck Name TBD BBQ ___ (review rules & regs see page 4|Fire)

FOOD SERVICE LICENSE may be required \$50 up to 3 days Amount \$ _____

sanitarian/code inspection may apply

Beverages? Yes No ___ Sold ___ Given Away Type Beer

Alcohol ___ (restrictions apply) Name of Licensed Business Marche / Baxter Brewing

FOOD SERVICE LICENSE may be required \$50 up to 3 days Amount \$ _____

OUTDOOR ALCOHOL PERMIT REQUIRED \$25 per event & other fees may apply Amount \$ _____

Product? Yes ___ No ___ Sold ___ Given Away Type _____

PEDDLERS/FLEA MARKET

PERMIT may apply \$34 per day for 1-75 spaces & \$61 per day for 76+ spaces Amount \$ _____

Carnival? Yes ___ No Rides Offered ___ Details _____

STATE PERMIT REQUIRED Has it been obtained? Yes

Total Due Admin:

Total Due City Clerks:

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for the Lewiston Farmers Market concerts.

INFORMATION:

The Lewiston Farmers Market is planning to sponsor and host musical performances at their market location to attract more patrons to the market, as well as for the enjoyment of the vendors. The Market is held on Sundays from May 20 - October 28 and is located at the municipal parking lot on the corner of Lincoln Street and Main Street, adjacent to Bates Mill 5. The Market is also held in Kennedy Park. The musical performances will vary from guitar players to a jazz ensemble and will occur occasionally throughout the summer and fall.

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 conduct a public hearing on an application for an outdoor entertainment event for the Lewiston Farmers Market concerts, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Lewiston Farmers Market Association for outdoor music concerts for the Market, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.



2018 Event Application for events from 7/1/18 to 6/30/19

Event (25+ participants) _____ First-Time Event _____ Repeat Event _____
Special Event (over 1,000 expected) _____ (requires City Council approval)
Park Use Only _____ Gazebo Use _____ Amphitheater Use _____

\$50 PROCESSING FEE DUE AT THE TIME APPLICATION IS SUBMITTED. Thank you

EVENT NAME: Lewiston Farmers' Market EVENT LOCATION: Municipal Parking Lot on the Corner of Lincoln and Main Street

REQUESTED DATE: May 20 – October 28th RAIN DATE (if applicable): N/A Application Date: Feb. 28th

RECURRING DATES: Every Sunday between May 20th and October 28th

TYPE OF EVENT (indicate all that apply) ESTIMATED ATTENDANCE: 100- 400 people each week

Other (please specify): Lewiston Farmers' Market Open to Public Invitation Only _____ Age Restricted _____

ACTUAL HOURS OF EVENT: 10:00 am to 1:30 pm SET-UP TIME: 8:30 – 10 am TAKE-DOWN TIME: 1:30 - 3:00 pm

NAME OF ORGANIZATION: St. Mary's Nutrition Center, St. Mary's Regional Medical Center

APPLICANT NAME: Sherie Blumenthal, Program Manager, Farmers' Market Coordinator

ORGANIZATION ADDRESS: PO Box 7291 CITY: Lewiston STATE: ME

NON-PROFIT: FOR-PROFIT: _____ DAYTIME PHONE: _____ CELL: _____

STAFF USE ONLY		Event Number:
At-A-Glance		
Outdoor Entertainment _____	CC Date: _____	_____
Sound Amplification _____	Vendors _____	_____
Food Service License _____	Outside Alcohol _____	_____
Carnival Permit _____	Police Assistance _____	_____
Electrical Access _____	Fire Inspection _____	_____
Road Closure _____	Group Notification _____	_____
Business Contact Plan _____	Advertising Req. _____	_____
Cash Donation or In-kind Services Req. _____		_____

STAFF USE ONLY		Final Approval:
Administration		
CITY CLERKS Kelly Brooks	_____	_____
FIRE Paul Ouellette	_____	_____
POLICE Derrick St. Laurent	_____	_____
PUBLIC WORKS Megan Bates	_____	_____
SANITARIAN-CODE Sue Reny	_____	_____
CK _____	CC _____	CA _____
Processing Fee:	Park Fee:	COI:
Clerk's Fees:	Map(s) Received:	
NP: 501(C)3 _____	IRS Letter _____	Form 990 _____

Event Details

EVENT LOCATION (specific street/sidewalks):_ Municipal surface parking lot, parking garage and adjacent properties on the corner of Main Street and Lincoln Street (including all or portions of parcels comprising 16 Lincoln Street & 103, 115, 131 and 137 Main Street) (See map for details) # of days 24

Events in our Park (Please select one)

PARK MAP REQUIRED (see page 5)

Non-profit (NP) Discounts (if applicable)

Lewiston-based NP **80%**

Out-of-Town NP/Fundraiser **50%**

Out-of-Town NP **34%**

PARK FEE(S)

Simard-Payne Park | \$135 day Dufresne Plaza | \$265 day Amphitheater Only | \$25 hr.
Amount \$ _____ (other fees may apply)

NO FEES ASSESSED

Kennedy Park Gazebo Marcotte Park Pettingill School Park Potvin Park
Raymond Park Sunnyside Park Veterans Park (Are you a veteran? Yes No

City Clerk's Office

 (Please check all that apply)

Sound Amplification Needed? Yes No Please describe Music occurs at the market each week, generally amplified _____

SOUND AMPLIFICATION PERMIT may be required \$17 per day Amount \$ _____ Amount is typically prorated for the season _____



Live Performance? Yes No Please describe Live Musicians _____

OUTDOOR ENTERTAINMENT PERMIT City Council approval is required \$50 Amount \$ _____ Typically prorated for the season _____

Food? Yes No Sold Given Away Type fresh fruit, vegetables, meat, baked goods, other value added products _____ **Food Truck** Possibly, unknown at this time

Food Truck Name _____ **BBQ** (review rules & regs see page 4|Fire)

FOOD SERVICE LICENSE may be required \$50 up to 3 days Amount \$ _____
sanitarian/code inspection may apply

Beverages? Yes No Sold Given Away Type Water, fresh lemonade, iced tea _____ **Alcohol** (restrictions apply) **Name of Licensed Business** _____

FOOD SERVICE LICENSE may be required \$50 up to 3 days

Amount \$ _____ **OUTDOOR ALCOHOL PERMIT REQUIRED** \$25 per event & other fees may apply
Amount \$ _____

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing for an extension of Liquor License to include outdoor service at Fish Bones American Grill.

INFORMATION:

We have received a request from Fish Bones American Grill, 70 Lincoln Street, to expand the service area of their liquor license from inside the restaurant to now include their new outdoor patio seating area as well.

The Police Department, Fire Department and Code Enforcement Department are reviewing the application but do not have any initial concerns.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/klmm

REQUESTED ACTION:

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To approve the request from Fish Bones American Grill, 70 Lincoln Street, to authorize the extension of their liquor license to include outside service at their location, contingent upon a positive recommendation from the Police Department, Fire Department and Code Enforcement Department.

Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
Telephone (207) 624-7220 Fax: (207) 287-3434
Email inquiries: MaineLiquor@maine.gov

DIVISION USE ONLY	
License No:	
Diagram:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Town Approval:	<input type="checkbox"/> Yes <input type="checkbox"/> No

REQUEST FOR EXTENSION OF LICENSE ON PREMISE

Legal Name: Hospserv, Inc dba Fish Bones American Grill License Number: CAR-2005-5013

Physical Address: 70 Lincoln St. City Lewiston

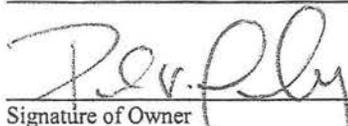
State Maine Zip 04240 Phone: 207-333-3663 Fax: 207-333-3039

Email address: fboffice@fishbonesag.com Please Print

Mailing address: 70 Lincoln St., Ste 1A Lewiston, Maine 04240
Street / PO Box City State Zip

Name, address, telephone number of Property Owner (if property is rented or leased, need copy of rental agreement / lease):

Mill 6 Development Co., LLC, Two Great Falls Plaza, Auburn, ME 04210 (207) 784-3856 - Leased


Signature of Owner

Paul F. Landry, V Pres./Treasurer
Printed Name of Owner

Temporary Permanent Inside Outside Live Entertainment: Yes No

Start Date: 5/18/2018 End Date (if applicable): _____

Reason for this request: Adding new patio area along canal for outdoor dining and event space with occasional entertainment

This request for an extension of service area for on premise license location MUST have Town / City approval and MUST have a diagram submitted with this form.

Outdoor Restrictions:

There must be a stanchion or fence completely enclosing the area. Signs must be posted, stating "no alcohol beyond this point". There must be sufficient employees at the extension of premise, which would be able to control and monitor the area.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

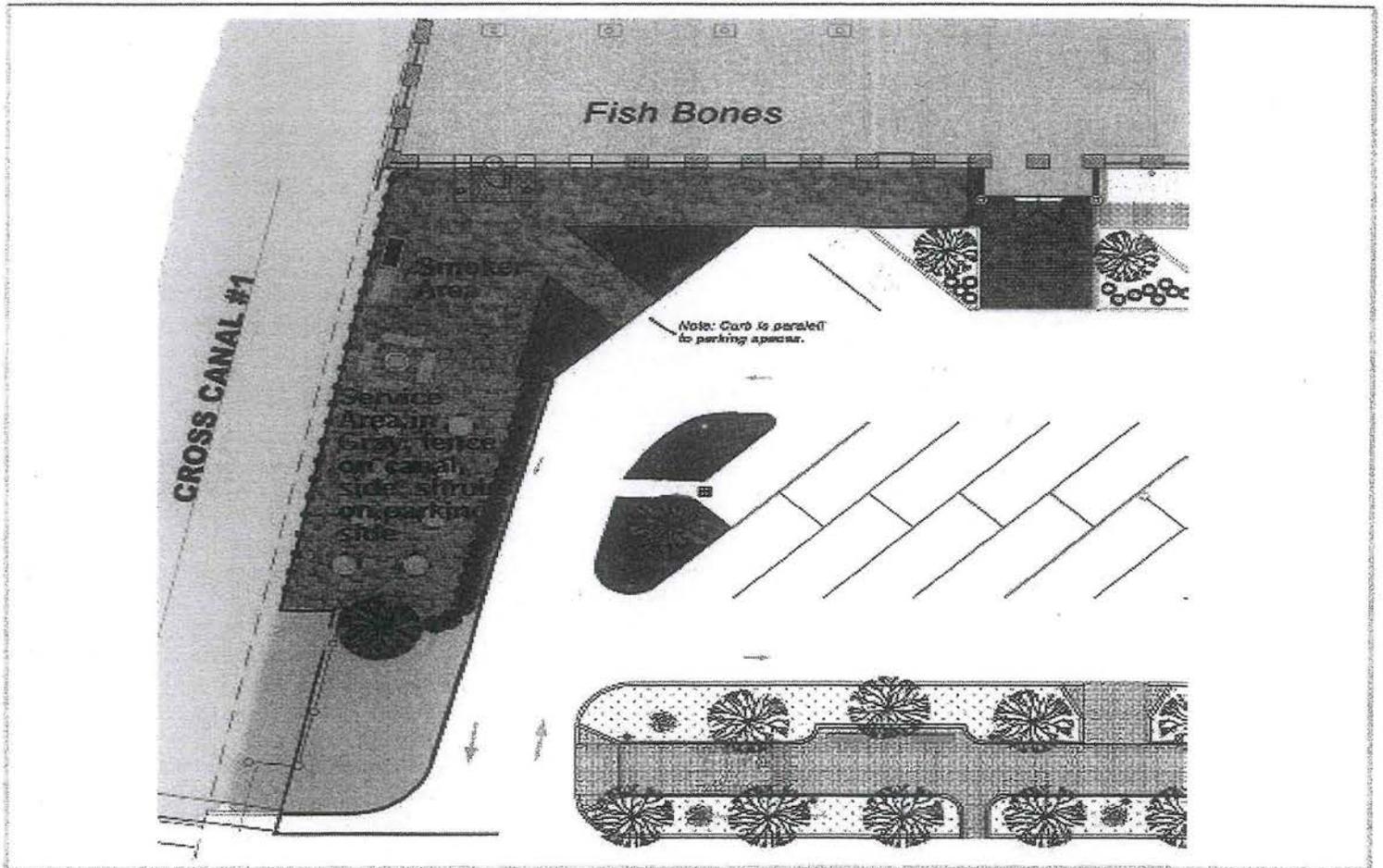
The undersigned being: Municipal Offices County Commissioners of the

City Town Plantation Unincorporated Place of: _____, Maine

Signature of Officials	Printed Name and Title

EXTENSION AREA PREMISE DIAGRAM

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary / permanent license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including methods of monitoring and containment of certain area which you are requesting approval from the Division for liquor consumption.



LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Fire Prevention and Protection ordinance.

INFORMATION:

These amendments to the Ordinance are to incorporate recent changes to state regulations made by the Maine Fuel Board. Specifically, the amendments incorporate NFPA 31 and six other NFPA Codes that Lewiston has not yet adopted, incorporates exclusions from those new Codes to follow the Maine Fuel Board, and updates all fire codes to the new versions. The Fire Chief is recommending that Lewiston include these changes in our local ordinance.

In addition, Section 38-28, regarding Enforcement, is overhauled to match the City's Buildings and Building Regulations Code, to ensure as much consistency as possible for property owners that must comply with both sets of Codes.

These amendments have been prepared by the City Attorney's Office.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ETAB/Kmm

REQUESTED ACTION:

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That the proposed amendments to the City Code of Ordinances, Chapter 38 "Fire Prevention and Protection", Article I, "In General", Article II, "Fire Prevention Code" and Article III, "Permits", receive first passage by a roll call vote and to continue the hearing to the next regularly scheduled City Council meeting for final passage.

**Lewiston Fire Department
Requested Ordinance Amendments
4/11/18**

FIRE PREVENTION AND PROTECTION*

*Cross references: Buildings and building regulations, ch. 18; weapons and explosives, § 50-106 et seq.; hazardous materials, § 62-56 et seq.; fire zones, § 70-137.

State law references: Municipal fire protection, 30-A M.R.S.A. § 3151.

Article I. In General

- Sec. 38-1. Interfering with fire alarm.
- Sec. 38-2. Unauthorized use of hydrants prohibited.
- Sec. 38-3. Regulation of false fire alarms.
- Secs. 38-4--38-25. Reserved.

Article II. Fire Prevention Code

- Sec. 38-26. Codes adopted.
- Sec. 38-27. Application of fire codes on new or existing conditions; fire chief to set limit on corrections.
- Sec. 38-28. Enforcement orders and appeals.
- Sec. 38-29. Aggrieved person may seek revocation of permit, approval or license.
- Sec. 38-30. Limitations on permits; applications generally to be made to bureau.
- Sec. 38-31. Authority to suspend, revoke permits, licenses; reports required; appeal.
- Sec. 38-32. City council to prescribe areas, locations, boundaries for storage of materials.
- Sec. 38-33. Public meeting to be held prior to establishing restricted areas.
- Sec. 38-34. Open-air burning.
- Sec. 38-35. Outdoor incinerators, defined; fire chief to prescribe regulations; permit required, revocation.
- Sec. 38-36. Class B or class C gas leaks.
- Sec. 38-37. Fire chief's statutory duties.
- Sec. 38-38. Right of entry to inspect for hazards.
- Sec. 38-39. Appeal from order of fire chief.
- Sec. 38-40. Violations of article.

ARTICLE I. IN GENERAL

Sec. 38-1. Interfering with fire alarm.

No person shall interfere in any way with any of the signal boxes of the fire alarm system by breaking, cutting, defacing or injuring such boxes, nor tamper or meddle with such boxes or any part thereof.

(Code 1982, § 11-1)

Sec. 38-2. Unauthorized use of hydrants prohibited.

No person except one duly authorized shall remove the cap from any water hydrant in the city. No person shall interfere with or meddle with, obstruct the approach to, partially or wholly cover with snow or any other substance, or in any manner damage or deface such hydrant or decrease its immediate availability in the event of an emergency.

(Code 1982, § 11-2)

Sec. 38-3. Regulation of false fire alarms.

(a) Installation of alarm systems. No person shall, without first obtaining a permit from the fire chief, install an alarm system that includes any mechanism, equipment or device, designed to automatically transmit a signal, message or warning from private or public premises, including, but not limited to, telephonic alarm systems designed to operate automatically through the use of public telephone facilities to the city fire department, or monitored by a private or public entity, which in turn calls the city fire department.

(b) Existing alarm systems. ~~Sixty days after the enactment of this section, no~~ No person shall, without first obtaining a permit from the fire chief, continue to operate an alarm system that includes any mechanism, equipment or device, designed to automatically transmit a signal, message or warning from private or public premises, including, but not limited to, telephonic alarm systems designed to operate automatically through the use of public telephone facilities to the city fire department, or monitored by a private or public entity, which in turn calls the city fire department.

(c) Issuance of permits. Permits shall be issued to applicants upon the following conditions:

- (1) The applicant shall execute and submit to the fire chief a written agreement, upon a form furnished by the fire chief, that includes, inter alia, an acknowledgment that the applicant has read and agrees to abide by the terms of the false fire alarm policy adopted by and amended from time to time by the city council.

FIRE PREVENTION AND PROTECTION

- (2) With respect to applicants under subsection (b) above, the applicant shall provide evidence that the applicant has, prior to the time of the application, fully complied with the false fire alarm policy adopted by and amended from time to time by the city council.
- (3) With respect to applicants under subsection (b) above, in the event that they are unable to make such certification due to their prior failure to pay charges under such policy, they shall submit with their application full payment of such charges.
- (d) Disconnection from noncompliance; appeal. In the event a permittee under this section fails to comply with the terms of the permit or with the terms of the false fire alarm policy adopted by and amended from time to time by the city council, the fire chief shall give to the permittee 60 days written notice of the city's intention to disconnect the permittee's system from the connection with the city fire department, which notice shall be deemed to be a notice of violation and an order to comply. In the event that the permittee, having received such notice, fails to place itself in compliance within such 60-day period, the fire chief shall proceed to disconnect the permittee from the system. A permittee may appeal to the board of appeals as detailed in 38-28(c) city council from the fire chief's notice of intention to disconnect by filing a written notice of appeal with the city clerk within 20 days after the date of mailing of the notice of intention to disconnect. Upon hearing of the appeal, the city council shall determine the issue of compliance, and may affirm, reverse or modify the decision of the fire chief.

~~(e) — Disconnection for nonapplication or failure to submit conforming application: appeal. In the event that an applicant or person required to file an application under subsection (b) above fails to submit an application, or submits an incomplete application, within the 60-day period set forth in subsection (b) above, the fire chief shall send notice of intention to disconnect as in subsection (d) above; in the event that the applicant, or person required to submit an application, having received such notice, fails to file a completed application within the 60-day period specified in the notice, the fire chief shall proceed to disconnect the permittee from the system. An applicant or person receiving a notice of intention to disconnect may appeal to the city council from the fire chief's notice of intention to disconnect by filing a written notice of appeal with the city clerk within 20 days after the date of mailing of the notice of intention to disconnect. Upon hearing of the appeal, the city council shall determine the issue of compliance, and may affirm, reverse or modify the decision of the fire chief.~~

(Ord. No. 95-15, 11-2-95)

Secs. 38-4--38-25. Reserved.

ARTICLE II. FIRE PREVENTION CODE*

*Charter references: Board of appeals, § 4.06.

Sec. 38-26. Codes adopted.

(a) For the purpose of protecting life and property against the hazards of fire and explosion, the city hereby adopts and enacts as codes of the city the Maine Fuel Board Rules, 02- 658 Code of Maine Rules ch. 1, et. seq., as amended and the following National Fire Codes as promulgated by the National Fire Protection Association (NFPA):

FIRE PREVENTION AND PROTECTION

- NFPA 1: Fire Prevention Code, 2006 Edition
- NFPA 10: Standard for Portable Fire Extinguishers, 2007 Edition
- NFPA 11: Standard for Low, Medium, and High Expansion Foam Systems, 2005 Edition
- NFPA 12: Standard on Carbon Dioxide Extinguishing Systems, 2008 Edition
- NFPA 13: Standard for the Installation of Sprinkler Systems, 2007-2016 Edition
- NFPA 13D: Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, 2007-2016 Edition
- NFPA 13R: Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, 2007-2016 Edition
- NFPA 14: Standard for the Installation of Standpipe, Private Hydrants and Hose Systems, 2007-2013 Edition
- NFPA 15: Standard for Water Spray Fixed Systems for Fire Protection, 2007-2012 Edition
- NFPA 16: Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems, 2007-2011 Edition
- NFPA 17: Standard for Dry Chemical Extinguishing Systems, 2002-2009 Edition
- NFPA 17A: Standard for Wet Chemical Extinguishing Systems, 2002-2009 Edition
- NFPA 18: Standard on Wetting Agents, 2006 Edition
- NFPA 20: Standard for the Installation of Stationary Fire Pumps for Fire Protection, 2007-2013 Edition
- NFPA 22: Standard for Water Tanks for Private Fire Protection, 2008-2013 Edition
- NFPA 24: Standards for the Installation of Private Fire Service Mains and Their Appurtenances, 2007-2013 Edition
- NFPA 25: Standards for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems, 2008-2014 Edition
- NFPA 30: Standards for Flammable and Combustible Liquids, 2008 Edition
- NFPA 31: Standard for the Installation of Oil-Burning Equipment, 2011 Edition
- NFPA 30A: Code for Motor Fuel Dispensing Facilities and Repair Garages, 2008-2012 Edition
- NFPA 30B: Code for the Manufacture and Storage of Aerosol Products, 2007 Edition
- NFPA 32: Standard for Dry Cleaning Plants, 2007 Edition
- NFPA 33: Standard for Spray Application Using Flammable or Combustible Materials, 2007 Edition
- NFPA 34: Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids, 2007 Edition
- NFPA 37: Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, 2006 Edition
- NFPA 51: Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes, 2007 Edition

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- NFPA 52: Vehicular Natural Gas Fuel and Systems Code, 2010 Edition
- NFPA 51A: Standard for Acetylene Cylinder Charging Plants, 2006 Edition
- NFPA 51B: Standard for Fire Prevention During Welding, Cutting and Other Hotwork, 2003-2009 Edition
- NFPA 54: National Fuel Gas Code, 2006-2012 Edition
- NFPA 55: Standard for the Storage, Use, and Handling of Compressed Gasses and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks, 2005-2010 Edition
- NFPA 58: Liquefied Petroleum Gas Code, 2008-2011 Edition
- NFPA 59: Utility LP-Gas Plant Code, 2008-2012 Edition
- NFPA 59A: Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG), 2009 Edition
- NFPA 70: National Electrical Code, 2011 Edition
- NFPA 72: National Fire Alarm Code, 2007 Edition
- NFPA 80: Standard for Fire Doors and Windows, 2010 Edition
- NFPA 88A: Standard for Parking Structures, 2011 Edition
- NFPA 90A: Standard for the Installation of Air-Conditioning and Ventilating Systems, 2012 Edition
- NFPA 90B: Standard for the Installation of Warm Air Heating and Air-Conditioning Systems, 2012 Edition
- NFPA 96: Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2008 Edition
- NFPA 99: Standard for Health Care Facilities, 2005 Edition
- NFPA 99B: Standard for Hypobaric Facilities, 2005 Edition
- NFPA 101: Life Safety Code, 2009 Edition, pursuant to 38-26(b)
- NFPA 102: Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, 2006 Edition
- NFPA 110: Standard for Emergency and Standby Power Systems, 2005 Edition
- NFPA 160: Standard for the Flame Effects Before an Audience, 2006 Edition
- NFPA 211: Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances, 2006-2013 Edition
- NFPA 214: Standard on Water-Cooling Towers, 2005-2011 Edition
- NFPA 220: Standard on Types of Building Construction, 2006 Edition
- NFPA 318: Standard for the Protection of Semiconductor Fabrication Facilities, 2006 2015 Edition
- NFPA 385: Standard for Tank Vehicles for Flammable and Combustible Liquids, 2007 Edition
- NFPA 409: Standard on Aircraft Hangers, 2004-2011 Edition
- NFPA 418: Standard for Heliports, 2006-2011 Edition

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- NFPA 495: Explosive Materials Code, 2006 Edition
- NFPA 496: Standard for Purged and Pressurized Enclosures for Electrical Equipment, 2008 Edition
- NFPA 750: Standard on Water Mist Fire Protection Systems, 2006-2015 Edition
- NFPA 1122: Code for Model Rocketry, 2008 Edition
- NFPA 1123: Code for Fireworks Display, 2006 Edition
- NFPA 1124: Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles, 2006 Edition
- NFPA 1126: Standard for the Use of Pyrotechnics Before a Proximate Audience, 2006 Edition
- NFPA 2001: Standard on Clean Agent Fire Extinguishing Systems, 2008 Edition

(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 NFPA #101, *Life Safety Code*, 2009 edition have been excluded to avoid conflict with Title 25 M.R.S.A., Chapter 1103, the *Maine Uniform Building and Energy Code*, and several provisions have been modified to make the provisions specific to Maine. This subsection also includes rules governing portable classrooms and indoor and special pyrotechnic events.~~

1. Specific provisions of the NFPA #31, Standard for the Installation of Oil Burning Equipment (2011 edition) have not been adopted as follows:
 - a. The City does not adopt the exception to Chapter 7, Section 7.12, Abandonment and Removal from Service of Tanks and Related Equipment. (See instead Chapter 8, Section 8.9.4 of the Maine Fuel Board's rules.)
 - b. The City does not adopt Chapter 7, Section 7.3.1, Tanks and their Supports shall Rest on Foundations made of Solid Concrete. (See instead Chapter 8, Sections 8.10 and 8.11 of the Maine Fuel Board's rules.)
2. Specific provisions of the NFPA #52, Vehicular Gaseous Fuel Systems Code (2010 edition) have not been adopted:
 - a. Chapter 5, General GH2 Requirements and Equipment Qualifications;
 - b. Chapter 7, Service and Maintenance of GH2 Engine Fuel Systems;
 - c. Chapter 9, GH2 Compression, Gas Processing, Storage and Dispensing Systems;
 - d. Chapter 11, LNG Engine Fuel Systems; and
 - e. Chapter 14, LH2 Fueling Facilities.

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3. Specific provisions of the NFPA #54, National Fuel Gas code (2012 edition) have not been adopted as follows:
 - a. Installations of propane and natural gas must also comply with all other applicable statutes or rules of the State and all applicable City ordinances, orders, rules, and regulations.
 - b. The use of unvented heaters in HUD-Code homes, as defined in 10 MRSA §9002(7)(A), is prohibited.
 - c. The City does not adopt the exception to Chapter 10, Section 10.23.1, Prohibited Installations.
 - d. The use of unvented heaters in bedrooms and bathrooms is prohibited.
 - e. The City does not adopt the exception to Chapter 12, Section 6.4.2.
4. Specific provisions of the NFPA #55, Compressed Gases and Cryogenic Fluids (2010 edition) have not been adopted as follows:
 - a. Chapter 8, Cryogenic Fluids;
 - b. Chapter 9, Bulk Oxygen Systems;
 - c. Chapter 10, Gaseous Hydrogen Systems;
 - d. Chapter 11, Liquefied Hydrogen Systems;
 - e. Chapter 13, Insulated Liquid Carbon Dioxide Systems; and
 - f. Chapter 14, Storage, Handling and Use of Ethylene Dioxide for Sterilization and Fumigation.
5. Specific provisions of the NFPA #58, Liquefied Petroleum Gas Code (2011 edition) have not been adopted as follows:
 - a. Department of Transportation cylinders and ASME containers must rest on noncombustible materials unless listed for such purpose.
 - b. Bulk plant or dispensing station remotely controlled actuators on internal valves and emergency shut-off valves must not be operated with a flammable gas.
 - c. Any cylinder that does not have a legible manufacture date or retest date will be considered to be out of compliance and shall not be filled.

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d. The City does not adopt Chapter 6, Section 6.3.7 and adopts the following in its place:

i. Cylinders and ASME containers of 125 gallons water capacity or less may be located and installed underneath a deck provided the following conditions are met:

1. The space is completely open to the atmosphere for 50 percent of its perimeter or more;
2. There is a minimum of 2' vertical clearance between the top of the tank and any part of the structure; and
3. The maximum aggregate water capacity of such tanks is no more than 250 gallons.

e. Portable motor fuel containers which are equipped for volumetric filling and meet the requirements of construction and inspection set forth in NFPA #58 may be filled by volume or weight.

f. Chapter 6, Section 6.4.5.5 does not apply to a single tank containing methanol, connected to and as part of a propane bulk plant, for the specific purpose of adding said methanol to the propane gas stored in the bulk plant.

6. Specific provisions of the NFPA #101, *Life Safety Code*, 2009 edition have been excluded as follows:

~~1. This rule incorporates by reference National Fire Protection Association Standard #101, *Life Safety Code*, 2009 edition.~~

A. Unvented fuel-fired heaters. Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.

B. Extinguishment Requirements. The following provisions of NFPA # 101, the *Life Safety Code*, 2009 edition, are not incorporated by reference:

1. Chapter 12, section 12.3.5.3, subsections 3 & 4; and,
2. Chapter 13, section 13.3.5.3, subsections 1 & 2.

C. Extinguishment Requirements in One- and Two- Family Dwellings. Section 24.3.5.1 of NFPA #101, the *Life Safety Code*, 2009 edition, is not incorporated by reference.

D. Stair risers, guards, treads, and tread nosing. The following provisions of NFPA # 101, *Life Safety Code*, 2009 edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5 is modified to permit a maximum 7 ¾" riser for newly constructed stairs in one- and two family dwellings only. The minimum height of guards as prescribed in Chapter 24, Section 24.2.5 is modified to permit a minimum guard height of 36" for newly constructed stairs in one- and two family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5 shall be amended to permit a 10" tread depth for newly constructed stairs in one-and two family dwellings

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only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.5 is modified to permit a nosing at least $\frac{3}{4}$ " but not more than $1\frac{1}{4}$ " in depth for newly constructed one-and two family dwellings.

- E. Separated Occupancies. Tables 6.1.14.4.1 a & b, "*Required Separation of Occupancies (hours.)*" shall be crossed referenced with Table 508.4 *Required Separation of Occupancies* of the 2009 *International Building Code (IBC)*. Where separation requirements in the two tables conflict, separation requirements set forth in the IBC table control.
- F. Accessory Occupancies. Chapter 6, Section 6.1.14.1.3 of NFPA # 101, *Life Safety Code*, 2009 edition, is not incorporated. Section 508.2 *Accessory Occupancies*, of the 2009 *International Building Code* governs.
- G. Dead End Corridors. The following provisions of NFPA # 101, *Life Safety Code*, 2009 edition, are modified as indicated: Chapter 18, Section 18.2.5.2 is modified to require dead end corridors not to exceed 20 feet. Chapter 32, Section 32.3.2.5.4 is modified to require dead end corridors not to exceed 50 feet. Chapter 42, Table 42.2.5 is modified to require that a dead end corridor in an ordinary hazard storage occupancy protected by a sprinkler system not exceed 50 feet. A dead end corridor in an ordinary hazard storage occupancy not protected by a sprinkler shall not exceed 20 ft.

2. ~~This rule incorporates by reference the National Fire Protection Association Standard #80, *Standard for Fire Doors and other Opening Protectives*, 2010 edition.~~

3. ~~This rule incorporates by reference the National Fire Protection Association Standard #220, *Standard for Types of Building Construction*, 2006 edition.~~

7. NFPA #211, Chimneys, Fireplaces, Vents, and Solid Fuel Appliances (2013 edition)

A. The City does not adopt Chapter 9, Section 9.8.2 for interconnection. (See 32 MRSA §18107(1)(A))

B. The City does not adopt Chapter 11, Fireplaces or Chapter 12, Masonry Heaters.

C. In Chapter 13, Solid Fuel-Burning Appliances, the City does not adopt Section 13.5.2, Room Heaters, Fireplace Stoves, Room Heater/Fireplace Stove Combinations, and Ranges.

D. The City does not adopt the following Sections of Chapter 13:

a. Section 13.2, Annual Inspection, the reference to the requirements of Section 14.3;

b. Section 13.4.1 of Section 13.4, Appliance or Connector Replacement, the reference to Chapter 14; and

c. Section 13.7.2 of Section 13.7, Evidence of Damage.

E. The City does not adopt Chapter 14, Inspection of Existing Chimneys.

8. The City incorporates the following appendices from Maine Fuel Board Rules, 02- 658 Code of Maine Rules ch. 1:

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- A. Appendix A – Department of Environmental Protection Oil Regulations;
- B. Appendix B – Department of Environmental Protection Asbestos Regulations;
- C. Appendix C – Memorandum of Understanding between the Maine Fuel Board and the Plumbers' Examining Board for the Installation of Hot Water or Steam & Warm Air Heating Systems, Radiation Supply and Return Connections;
- D. Appendix D – Memorandum of Understanding between the Maine Fuel Board and the Electricians' Examining Board for the Installation, Service and Repair of Hot Water, Steam, Warm Air Heating Systems and Water Heaters;
- E. Appendix E – State of Maine Emergency Chimney Update Waiver Form;
- F. Appendix F – Chimney or Fireplace Construction/Installation Disclosure; and
- G. Appendix G – Vehicle Protection

~~1-9.3.~~ 3. — Portable Classrooms

Portable Classrooms shall mean buildings manufactured and moved to a site to provide educational space for educational facilities. Similar portable classrooms may be site built if the installation follows these requirements and a construction permit is obtained in accordance with Title 25 M.R.S.A. §2448.

- A. All portable classrooms shall be placed in such a manner that no part of the portable classroom is within 20 feet horizontally to any other building.
- B. Groups of portable classrooms shall maintain 20 feet of clearance between individual buildings.
- C. All groups of buildings under this construction shall have a construction permit issued by the Office of State Fire Marshal as required by Title 25 M.R.S.A. §2448.
- D. Buildings and groups of buildings on the same property shall have fire alarm systems as required (NFPA 101, 20069 edition, Sections 14.3.4 and 15.3.4) and all systems shall be interconnected.
- E. Fire Drills shall be conducted in conjunction with drills in main educational buildings.
- F. Portable classrooms shall meet all egress requirements of the adopted National Fire Protection Association Standard #101, *Life Safety Code*, 2009 edition.
- G. No installation shall be completed unless a letter from the municipal fire authority has been received by the Office of State Fire Marshal. This letter must indicate that the fire authority's ability to respond to fire emergencies will not be hindered by the placement of the portable classrooms and that the installations of the portable classrooms do not violate local ordinances.

~~2-10.~~ 4. — Indoor Pyrotechnic Events

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Indoor events using special effect display features, as defined in Title 8 M.R.S.A. §221-A, shall be held only:

- A. In buildings fully protected by automatic fire sprinkler systems meeting all requirements of National Fire Protection Association #13, *Installation of Sprinkler Systems*, 2006 edition.
- B. With the prior approval of the Office of State Fire Marshal in accordance with the requirements of Title 8 M.R.S.A., Chapter 9-A; Rules Chapters 20 and 26; and the following:
 - 1. The announcement required by Chapter 20, Section 9 shall be made regardless of capacity.
 - 2. The special effect display shall be conducted by a licensed Fireworks Technician with appropriate Indoor and/or Flame Effect endorsement.
 - 3. The event shall be monitored by the Office of State Fire Marshal.
 - 4. An inspection by the Office of State Fire Marshal shall be completed prior to the commencement of the event with all scenery, effects, and equipment in place.

~~3-11.~~ 5. Special Pyrotechnic Amusement Events

- A. A special pyrotechnic amusement event is an event, including but not limited to such events as a magic show or theatrical performance, which uses no more than 1 ounce of flash paper, or small open flame devices such as candles, matches or lighters, or similar devices approved for use at special pyrotechnic amusement events by the Office of State Fire Marshal.
- B. An operator of a special pyrotechnic amusement event shall register with the Office of State Fire Marshal and provide a list of scheduled events and their locations. Such registration shall be valid for a period of 1 year. Location and event schedules shall be updated with the Office of State Fire Marshal no less than 10 days prior to any newly scheduled event or location.
- C. An operator or manager of a special pyrotechnic amusement event shall obtain licensure as a Fireworks Technician with indoor pyrotechnic endorsement pursuant to Title 8 M.R.S.A. Chapter 9-A or conduct the event under the direct supervision of one holding this license.

~~4-12.~~ 6. Announcement required

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At every event with a defined start time, where an assembly occupancy can accommodate 300 occupants or more, the event manager, operator, sponsor, or a designee shall make an audio announcement to all occupants, prior to the commencement of the event, regarding the following:

- A. Location of exits;
- B. Smoking rules and regulations;
- C. Use of open flame devices;
- D. What to do in case of emergency evacuation; and
- E. Location of any first aid stations.

Such events include but are not limited to those held at armories, assembly halls, auditoriums, dance halls, exhibition halls, gymnasiums, special amusement buildings regardless of occupant load, and theaters.

(c) All NFPA codes and portions therefore adopted by this section may be viewed by contacting the Lewiston Fire Prevention Bureau.

(d) Chapter 66, Section 66-03 of the Code of Ordinances of the City of Lewiston, regarding the procedure for numbering housings, is incorporated by reference. The fire chief, or fire chief's designee, shall have authority to issue and enforce notices requiring display of assigned numbers.

(Code 1982, § 11-19; Ord. No. 92-26, § 1, 11-19-92; Ord. No. 94-7, 7-21-94; Ord. No. 99-14, 7-15-99; Ord. No. 01-3, 3-8-01; Ord. No. 02-03, 4-18-02; Ord. No. 05-04, 3-10-05; Ord. No. 10-07, 09-16-10; Ord. No. 11-10, 10-20-11)

Sec. 38-27. Application of fire codes on new or existing conditions; fire chief to set limit on corrections.

The provisions of the codes adopted by section 38-26 shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of the codes hereby adopted may be permitted to continue where the exceptions do not constitute a distinct hazard to life or property, in the opinion of the fire chief. The fire chief may prescribe a time limitation on corrections required to be made to existing conditions or to bring conditions or corrections up to code requirements.

(Code 1982, § 11-20)

Sec. 38-28. Violations, Enforcement enforcement orders and appeals.

(a-0) Unlawful Acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, remove, demolish, use, or occupy any building or

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structure or equipment in conflict with or in violation of any of the provisions of this chapter or state law. Each day a violation is permitted to exist after due notice shall constitute a separate offense.

(a) **Notice of Violation.** The fire chief, or fire chief's designee, is authorized to serve a notice of violation or order on the person responsible ~~Whenever the director of the fire prevention division determines that~~ **for a condition that is or is likely to become a fire hazard**; on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of any of the provisions of this Code or state law; on the person responsible for a violation of a detail statement or a plan approved thereunder; or, on the person responsible for a violation of a permit or license issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. ~~an order to correct such condition shall be issued to the responsible party. Such order shall be in writing and include a statement of the reasons for issuance of the order and may contain an outline of remedial action which will correct such condition. A copy of such order shall be kept as part of the public record.~~

(b) **Service of notice of violation or order.** A notice of violation or order may be served in hand to the violator or left with a person of suitable age and discretion at the residence or place of business of the violator or mailed by certified mail, return receipt requested, to the last known address. If the return receipt is not returned, the notice shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, and not returned as undeliverable by the postal service. ~~An order under this section shall be served upon the owner or his agent or upon the occupant, as the case may require. Such order shall be deemed to be properly served upon such owner, agent or occupant if a copy thereof is served upon him personally or if a copy thereof is sent by registered mail or certified mail to his last known address or the address as shown on the records in the department of assessment. A statement signed by the person so serving stating the date of service shall be filed in the office of the director of code enforcement.~~

(c) **Request for appeal.** Any person served with an order, pursuant to this section, may request a hearing before the board of appeals by filing a written petition for such said hearing at the planning and code enforcement department office of the director of code enforcement within ten (10) days of the date of service of the order. Such appeal shall be heard at the next scheduled meeting of the board of appeals occurring at least 48 hours after the date of filing. The board of appeals may sustain, modify or withdraw such order. The decision of the board of appeals may be further appealed pursuant to the provisions of rule 80B of the Maine Rules of Civil Procedure. To take advantage of this right, a petition for review must be filed with the superior court within 30 days of receipt of the decision of the board of appeals.

~~(d) The director of fire prevention may, upon evidence of disregard of an order served under this section or noncompliance with the decision of the board of appeals, request that appropriate legal action be instituted by the city attorney.~~

(e) **Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who has caused a condition that is or is likely to become a fire hazard or has allowed such condition to remain, shall be liable for one or more citations as set forth in Chapter 1, Section 1-8 and Chapter 50, Section 50-36 of the Code of Ordinances of the City of Lewiston. In lieu of or in addition to the issuance of citations, the fire chief may initiate a land use complaint pursuant to Rule 80K of the Maine Rules of Civil Procedure and 30-A M.R.S. § 4452 *et seq.* as amended.

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(f) Restrictions on transfer. Any person who, after receipt of a notice of violation under this chapter, sells, transfers or leases the property, must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations, and must also furnish the City fire prevention bureau with a signed, notarized statement from the grantee, mortgagee, transferee, or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

(Code 1982, § 11-21)

Article III - PERMITS

Sec. 38-29. Aggrieved person may seek revocation of permit, approval or license.

Any person aggrieved by the granting of a permit or approval under this article, or the granting of a license by the fire department on the grounds that the exercise thereof would constitute a fire nuisance, health or explosion hazard may appeal for revocation of such permit, approval or license to the fire chief, as detailed in section 38-39.

(Code 1982, § 11-22)

Sec. 38-30. Limitations on permits; applications generally to be made to bureau; fees.

(a) A permit required by this article or the codes adopted hereby shall not take the place of any license required by law. It shall not be transferable, and any change in use or occupancy or change in location shall require a new permit. Applications for permits required by this article or by the codes adopted hereby shall be made to the fire prevention bureau, except as specified in this article that permits for outdoor fires may be issued by dispatchers, fire department officers and fire inspectors.

(b) Payment of fees. A permit shall not be valid until the fees prescribed by the Lewiston City Council have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(c) Schedule of permit fees. On buildings, structures, or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the Lewiston City Council.

(Code 1982, § 11-23)

Sec. 38-31. Authority to suspend, revoke permits, licenses; reports required; appeal.

All fire department officers and fire inspectors shall have the authority to suspend or revoke any and all permits or licenses which may be issued by the fire department. Permits and licenses shall be suspended or revoked only if, in the opinion of ~~the~~ an officer or inspector having jurisdiction, such action is immediately necessary to safeguard life or property and failure to take such action would be a distinct hazard to life or property. Appeals for restoration of such permit or license

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shall be made to the fire chief. Suspension or revocation of a permit or license shall be reported to the fire chief with a written report setting forth all facts concerning such action.

(Code 1982, § 11-24)

Sec. 38-32. City council to prescribe areas, locations, boundaries for storage of materials.

The city council shall prescribe areas, locations or boundaries as required by the codes adopted in this article for the enforcement of restrictions on use, storage, consumption, loading, unloading, processing or other matters pertaining to any or all products or materials requiring such defined areas.

(Code 1982, § 11-25)

Sec. 38-33. Public meeting to be held prior to establishing restricted areas.

The city council shall hold a public meeting prior to the establishment of any restricted area, location or boundary, and such public meeting shall be advertised at least once in a newspaper of general circulation within the city.

(Code 1982, § 11-26)

Sec. 38-34. Open-air burning.

(a) As used in this section, the term "fire" means and shall include, but is not limited to, bonfires, burning of grass, leaves, weeds, brush, wood, paper boxes, trash, waste, automobiles and trucks, junk, fires on public or private dumps, and any burning of combustible or flammable materials, including petroleum products.

(b) No person shall kindle or maintain any fire in the open air, or authorize any such fire to be kindled or maintained, in any street, alley, roadway, lane, public grounds or private lot, without first having obtained a written permit to do so from the fire department.

(c) ~~The fire chief or his designee shall prescribe and issue policies and procedures direct for the issuance of burning permits and shall have full control of such permits. Dispatchers, fire department officers and fire inspectors have authority to issue burning permits. The assistant chief engineer of the department or the deputy fire chief or captain on duty shall have the authority to suspend or stop all burning in the city whenever, in their opinion, safety requires such action.~~

(d) Notwithstanding any of the provisions of this section, no person shall kindle or cause to be kindled such fires as are enumerated in this section, without calling by telephone the city fire department for clearance to kindle the fire just prior to lighting it. Failure to obtain such clearance shall cause the permit issued therefor to be automatically null and void.

(Code 1982, § 11-27)

Sec. 38-35. Outdoor incinerators, defined; fire chief to prescribe regulations; permit required, revocation.

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(a) "Outdoor incinerators" are defined as "any container used to burn waste or discarded materials."

(b) The city fire chief is authorized to prescribe and issue ~~rules and regulations~~ policies and procedures for the safe use of outdoor incinerators, including, without limitations, the types of containers authorized to be used.

(c) It shall be unlawful to use any outdoor incinerator without having first obtained a permit for such incinerator from the city fire department. Such permits may be refused by the inspector if the incinerator or its location is not in compliance with all laws and ordinances.

(d) The permit for any outdoor incinerator may be revoked by a fire inspector in the event of violation of any ~~rules or regulations~~ policies or procedures of the city fire chief.

(e) Any permit for an outdoor incinerator may be revoked if the incinerator causes smoke or odor or is a source of discomfort or a nuisance to adjoining property owners or tenants.

(Code 1982, § 11-28)

Sec. 38-36. Grade 1 ~~Class B or class C~~ gas leaks.

(a) When a Grade 1 leak ~~class B or class C gas leak, or a combination of leaks,~~ as defined by the Maine Public Utilities Commission in 65-407 C.M.R. § 420, General Order number 27, as revised, pertaining to Safety Standards for Natural Gas and Liquefied Natural Gas Facility Operators. is discovered anywhere in the city, ~~a committee made up of the fire chief, police chief, and the director of public works, or his deputy their deputies acting in his their absence, or any of the above, by a majority vote of such committee, and upon approval of the city council,~~ may order the supplier of the gas service to the section of the city in which the leak is located to immediately shut off the distribution, transmission or supply of gas to the area in the vicinity of the leak where it reasonably appears that such action is necessary to prevent imminent danger to lives or property. Any such order shall be revoked upon the presentation of satisfactory evidence that the dangerous situation which prompted it no longer exists. Such evidence may consist of instrument readings and other scientific data relative to the presence of natural gas in the area where the leak is located.

(b) Any person who refuses to comply with any lawful order issued under the provisions of this section shall be punished by a fine in accordance with the city's policy manual as approved by the city council, which such fine shall not be suspended. Each 24-hour period during which a refusal continues from the issuance of the original order shall constitute a separate offense.

(c) In addition to enforcement under the preceding subsection, the city may initiate civil proceedings to temporarily or permanently enjoin the continuation of the dangerous condition.

(d) The city shall not be liable for damages incurred as a result of shutting down the system. If areas are shut off, the gas company shall notify users of natural gas.

(e) Outside shutoffs shall be installed at every building where natural gas is used.

(Code 1982, § 11-29; Ord. No. 08-06e, 8-14-08)

Sec. 38-37. Fire chief's statutory duties.

The city council hereby assumes the power conferred and the responsibility for performance of duties prescribed by 25 M.R.S.A. §§ 2394, 2395, 2397, and hereby delegates the exercise of such

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powers and the responsibility for performance of such duties to the fire chief as authorized by 25 M.R.S.A. § 2391, except in such specific cases as the city council may notify the fire chief of its intention to take jurisdiction. (Code 1982, § 11-31)

Sec. 38-38. Right of entry to inspect for hazards.

The ~~fire chief of the fire department, or fire chief's designee,~~ may enter any building, premises or structure within the limits of the city with the permission of any person having control of such building, premises or structure, or may apply to a court for process to do so, for the purpose of examining and inspecting the same to ascertain the condition thereof with regard to the presence, arrangement or deposit of any articles, materials, substances, goods, wares or merchandise which may have a tendency to create danger from fire on or in the building, premises or structure, or personal injury or loss of life of the occupants thereof or persons in or about such premises, building or structure; also with regard to the condition of the chimneys, stoves, stovepipes, boilers and places of deposit of ashes. The inspector shall wear the regulation uniform of the fire department or produce proper credentials. (Code 1982, § 11-32)

State law references: Municipal inspection of buildings, 25 M.R.S.A. §§ 2351--2360; inspection by the state insurance commissioner, removal of dangerous matter, appeal, exits, 25 M.R.S.A. § 2392.

Sec. 38-39. Appeal ~~to the~~ from order of fire chief and board of appeals.

Appeals to the fire chief, as authorized under this article, shall be made by filing a written petition for appeal at the office of the fire chief within ten (10) days of the decision being appealed. The fire chief shall issue an order on the appeal within fourteen (14) days of the filing of such petition for appeal.

Should any owner, lessee or occupant of any premises, building or structure or the owner or person in control of any materials, goods, wares or merchandise, chimneys, stove, stovepipe, boiler or place of deposit of ashes, consider himself aggrieved by an order of the chief of the fire department, he may, ~~within 24 hours after the receipt of such order, appeal to the board of appeals as detailed in 38-28(c) insurance commissioner of the state, who shall, within ten days, review such order and file his decision thereon, and such decision shall be final and shall be complied with within such time as may be fixed in such order or decision of the insurance commissioner.~~

(Code 1982, § 11-33)

Sec. 38-40. Violations of article.

~~Except as otherwise provided in this article, any person violating any of the provisions of this article or neglecting to comply with any order issued pursuant to any provisions of this article shall be guilty of an offense. Each day a violation is permitted to exist beyond a reasonable period after service of an order shall constitute a separate offense.~~

(Code 1982, § 11-34)

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing and Resolve Approving the Federal FY2018 Community Development Block Grant (CDBG) Action Plan Budget and HOME budgets for submittal to the U.S. Department of Housing and Urban Development (HUD).

INFORMATION:

During previous Council meetings and workshops, the Council received the recommendation from the CDBG Review Committee regarding the FY18 CDBG budget and Action Plan, and voted to set the public hearing for the May 1, 2018 City Council meeting. HUD requires that final acceptance of this budget take effect a minimum of 45 days prior to the end of the fiscal year. The City Council is requested to take the following action:

- 1) Adopt the schedule of funds for the federal Fiscal Year 2018 CDBG budget as recommended by the Community Development Block Grant Review Committee.
- 2) Authorize the submission of the Action Plan to the Department of Housing and Urban Development.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABlkmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the Resolve approving the FY2018 Community Development Block Grant Action Plan Budget for submittal to the U.S. Department of Housing and Urban Development.



City of Lewiston Maine
City Council Resolve
May 1, 2018



Resolve, Approving the Federal FY2018 Community Development Block Grant (CDBG) Action Plan Budget and HOME budgets for Submittal to the U.S. Department of Housing and Urban Development (HUD).

Whereas, in accordance with applicable sections of 24 CFR Parts 91 and 570 and the City's Citizen Participation Plan, the City has provided citizens with adequate notice and opportunity to review and comment on its annual Action Plan and HOME budgets; and

Whereas, the City Council has, on this date, conducted a public hearing and accepted public comments on the proposed Action Plan; and

Whereas, HUD requires that final local acceptance of the CDBG Action Plan budget take effect a minimum of 45 days prior to the end of Lewiston's fiscal year, which occurs on June 30, 2017;

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

The attached schedule of funds for the Federal Fiscal Year 2018 (City of Lewiston FY19) CDBG budget (Action Plan) and HOME budgets are hereby adopted, and City staff is hereby authorized to submit the FY2018 Action Plan to the U.S. Department of Housing and Urban Development as adopted.

**COMMUNITY DEVELOPMENT BLOCK GRANT
CITY FY 2019 BUDGET**

BUDGET CATEGORIES	CFY 2018		CFY 2018	CFY 2019		CFY 2019	CFY 2019
	Requested	Score	Approved	Requested	Score	Review Com.	Council
	Amount	CDBG CAC	Council	Amount	CDBG CAC	Recommend	Approved
Trinity Jubilee Center - Food Pantry	\$9,000	85	\$4,590	\$9,000	93	\$5,859	
Seniors Plus-Living Independently	\$25,000	84	\$10,500	\$25,000	92	\$16,100	
Trinity Jubilee Center - Day Shelter & Resource Center	\$23,000	84	\$9,660	\$24,000	91	\$15,288	
Veteran's Inc	\$8,383	85	\$4,275	\$4,836	89	\$2,582	
Healthy Homeworks	\$25,440	93	\$16,561	\$36,004	89	\$13,585	
Literacy Volunteers - Workplace Literacy	\$5,000	87	\$2,610	\$5,000	89	\$2,670	
Safe Voices	\$8,000	86	\$4,128	\$8,000	89	\$4,272	
Lewiston Adult Education - Work Readiness	\$26,125	81	\$8,465	\$23,348	88	\$12,328	
Promise Early Education Center	\$15,000	88	\$7,920	\$15,000	88	\$7,920	
Sandcastle Clinical & Educational Services (NEW)				\$20,038	86	\$8,616	
Sexual Assault Prevention & Response Services (NEW)				\$7,500	84	\$3,150	
Tree Street Youth - CEDAR Professional Internships	\$15,000	89	\$8,010	\$15,000	84	\$6,300	
Pine Tree Society (NEW)				\$5,000	83		
Tedford Housing - Lewiston Supportive Housing	\$8,250	84	\$3,465	\$8,500	82		
Children (NEW Program)				\$30,000	76		
The Center for Wisdom's Women (NEW)				\$11,016	76		
Maine Community Integration (NEW)				\$3,500	66		
PUBLIC SERVICE AGENCIES							
COL - Social Services Department	\$58,500	NOT SCORED	\$58,500	\$58,500		\$58,500	
SUBTOTAL	\$217,698		\$123,594	\$309,242		\$157,170	\$0
Amount over/under Public Service Agency Cap				(\$148,297)		\$3,774	
ADMINISTRATION & PLANNING							
CD Office Administration	\$144,219	NOT SCORED	\$144,219	\$146,830		\$146,830	
SUBTOTAL	\$144,219		\$144,219	\$146,830		\$146,830	\$0
Amount over/under Administration & Planning Cap				\$13,331		\$13,331	
HOUSING							
COL-Code Enforcement	\$68,274	NOT SCORED	\$61,263	\$68,274		\$68,274	
Choice Neighborhood Match				\$132,000		\$118,750	
COL-Rehab Administration	\$102,279	NOT SCORED	\$104,836	\$102,279		\$102,279	
CCI-Weatherization Program	\$50,000	83	\$50,000	\$50,000	90	\$25,000	
SUBTOTAL	\$220,553		\$216,099	\$352,553		\$314,303	\$0
PUBLIC IMPROVEMENTS/INFRASTRUCTURE							
Lionel Potvin Park				\$51,000	87	\$0	
Shane's Inspiration	\$150,000	91	\$150,000	\$75,000	87	\$126,000	
Brownfield				\$40,000			
The Center for Wisdom's Women - Sophia's House (NEW)				\$150,000	93	\$150,000	
Tree Street Youth - Phase 2 Renovations (NEW)				\$150,000	87	\$48,951	
SUBTOTAL	\$150,000		\$150,000	\$466,000		\$324,951	
TOTAL OF ALL PROGRAMS	\$732,470		\$633,912	\$1,274,625		\$943,254	\$0
Amount under/over projected allocation:				(\$331,370)		\$0	\$800,805

**COMMUNITY DEVELOPMENT BLOCK GRANT
CITY FY 2019 BUDGET**

	CFY 2018		CFY 2018	CFY 2019		CFY 2019	CFY 2019
SOURCES OF FUNDS:							
A. FFY 17 Allocation: \$	\$800,805						
Reallocate Acq/Demo	\$42,449						
Reallocate Contingency	\$100,000						
Less Social Services	(\$58,500)						
Less Enhanced Code Enforcement	(\$68,274)						
Less Rehab Admin: \$	(\$102,279)						
Less CD Admin: \$	(\$146,830)						
Total available for programs:	\$567,371						
B. FY 17 Program Income (FFY16)	\$272,160						
C. FY17 Projected Program Income							
Housing	\$84,000						
Commercial	\$90,000						
ESLP:	\$40,000						
Total FY17 Projected Program Income	\$214,000						
*Note: Program Income generated from CDBG Revolving Loan Pools cannot be used to fund other projects.							
It Must be used to recapitalize the loan pools. However, total program income is used when determining							
the caps set for Administrative Expenses and Public Service Agency funding (CFR 24.200(g)) CFR24.201(e)(1).							
Program Income generated by the Economic Stimulus Loan Pool (ESLP), administered by the LAEGC is counted as CDBG program income							
Caps:							
CD: Administration - (20% of Entitlement \$):				\$160,161			
Public Services -							
15% x (Grant + FY17 Program Income):				\$160,945			
Administration & Planning -							
20% x (Grant + Projected FY17 Program Income):				\$202,961			

	Budget FFY 2017 that includes PI	FFY 2017 Carryover at YR End	FFY 2017 PI at YR End	FFY 2017 Funds Available at YR End	FFY 2018 New Allocation	FFY 2018 Budget	FFY 2018 Projected Income
Activities							
Administration (10%)							
Salaries & Benefits	\$ 9,900.00	\$ 3,500.00		\$ 3,500.00	\$ 9,684.00	\$ 13,184.00	
Sub-Total Administration	\$ 9,900.00	\$ 3,500.00	\$ -	\$ 3,500.00	\$ 9,684.00	\$ 13,184.00	\$ -
Programs							
						\$ -	\$ -
Homebuyer	\$ 35,000.00	\$ 6,889.95	\$ 5,022.72	\$ 11,912.67	\$ 24,577.00	\$ 36,489.67	\$ 5,022.72
Homeowner Rehab	\$ 104,426.38	\$ 23,007.51	\$ 7,368.84	\$ 30,376.35	\$ 24,622.00	\$ 96,759.35	\$ 7,368.84
Success in School with Stable Housing					\$ 60,825.00	\$ 60,825.00	
Security Deposit Assistance	\$ 17,000.00	\$ 13,618.00	\$ 5,536.50	\$ 19,154.50	\$ -	\$ 19,154.50	\$ 5,536.50
Rental Housing - Hartley Block	\$ 350,000.00	\$ 47,500.00		\$ 47,500.00	\$ 35,230.00	\$ 35,230.00	\$ -
HOME -Owner Rehab Coop	\$ 20,312.56	\$ (6,491.20)		\$ (6,491.20)			
Sub-Total Programs	\$ 526,738.94	\$ 84,524.26	\$ 17,928.06	\$ 102,452.32	\$ 145,254.00	\$ 248,458.52	\$ 17,928.06
Total Budget	\$ 536,638.94	\$ 88,024.26	\$ 17,928.06	\$ 105,952.32	\$ 154,938.00	\$ 260,890.32	\$ 17,928.06

Goals:

HOMEBUYER ASSISTANCE	4 homebuyers with downpayment and closing cost assistance @ average of \$8,000 per unit
HOMEOWNER REHABILITATION	6 homeowners fix their homes @ \$15,000/unit
SECURITY DEPOSIT ASSISTANCE	21 security deposits provided to secure stable rental housing @ an average of \$900.00/deposit
SUCCESS IN SCHOOL	5 Families assisted with rent, security deposit& utility hookups @ an average of \$12,165 per family This includes an average rent of \$900.00 x 12 months = \$10,800; an average deposit of \$900; an administrative fee of 2% \$215/family and an average of up to \$250/family = \$12,165/family

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: 2019 CDBG Budget
Date: April 24, 2018

Included in your packet is my March 15th memo regarding the proposed CDBG and HOME budgets that were discussed at the March 29th council workshop and public hearing. The memo summarizes how the CDBG Citizen Advisory Committee recommends these federal funds be invested.

Public notice of the proposed budgets, providing a 30 day public comment period, was published in the Sun Journal on March 30. The public comment period ends on April 30th.

To date, no public comments have been received. However, the Lewiston's Public Works department has requested that the \$51,000 recommended for funding improvements at Lionel Potvin Park be reallocated and added to the \$75,000 recommended by the Citizen Advisory Committee for Shane's Inspiration. This request was sparked by the consulting engineer's \$300,000 estimate of costs for site preparation, drainage, walkways, utility installation, playground equipment foundations, installation of the equipment, and loaming/seeding of the site. That estimate does not include contingency. This estimate exceeds the early estimate of costs by \$75,000. In two prior years \$175,000 of CDBG funds were approved to purchase playground equipment for the park. The cost of that equipment was \$31,000 less than budget estimates. Those funds, combined with the \$51,000 originally proposed for Potvin Park are expected to be adequate to ensure enough funding is available to install the equipment and complete Phase I of Shane's Inspiration.

Staff recommends approval of the CDBG and HOME budgets, as described in my March 15th memo, presented at the March 29th public hearing/workshop, and with the reallocation of funds from Potvin Park to Shanes' Inspiration as described above and in the attached CDBG budget.

Economic and Community Development

Lincoln Jeffers

Director



WORKSHOP

To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Proposed CDBG and HOME Budgets and Action Plan
Date: March 15, 2018

Lewiston is a Community Development Block Grant (CDBG) Entitlement Community. The City receives a Federal grant each year which is to be spent to benefit low to moderate income residents. As with the municipal budget, the City Council decides how CDBG funds are invested each year. However, as a Federal grant, there are regulations and processes which must be abided by in coming to that decision. Following is more detail on CDBG and the process for how those funds are to be spent.

Background

The CDBG program was created in 1974 to help states and communities combat poverty and assist in the development of viable urban communities. It is administered by the Department of Housing and Urban Development (HUD). The overarching goals of the program are to help provide the following, principally for persons of low and moderate income:

- Decent housing
- A suitable living environment
- Expanded economic opportunities

To achieve these goals, CDBG regulations set forth eligible activities and the national objectives that each activity must meet. As a recipient of CDBG funds, Lewiston is charged with ensuring that these requirements are met.

Lewiston has been a CDBG Entitlement Community since 1974 and annually receives a funding allocation directly from HUD based on a formula established by Congress. Other communities in Maine designated as Entitlement Communities are Portland, Bangor, Auburn, Biddeford, and Cumberland County. The State of Maine also receives a funding allocation that is distributed by the state to other non-entitlement communities on a competitive, per project basis each year.

The bulk of Lewiston's CDBG funds are invested in or to the benefit of the residents of a Target Area, Census Tracts 201 -204 (map attached). Historically, the city has used its funds primarily on housing improvements, economic development, infrastructure improvements in the Target Area, and social services. So long as the broad national goals of the program are met there is considerable flexibility in how the funds are spent.

Planning and Goals

As an Entitlement Community, Lewiston must meet significant administrative and reporting requirements from HUD. Among those requirements is developing and adopting a 5 year strategic plan, known as the *Consolidated Plan*, which outlines how CDBG funds will be utilized over the term of the plan. Beginning in the fall of 2014 Lewiston's 7 member CDBG Citizen Advisory Committee (CAC), along with staff and consultant, held six public meetings and numerous interviews with stakeholder groups to identify the most critical eligible needs to which Lewiston's CDBG funds should be targeted. Those discussions informed development of the 2015 -2019 Consolidated Plan, which was approved by the City Council in 2015.

To very briefly summarize, the Plan has 4 high priority, 3 medium priority and 1 low priority goals. They are:

High Priority

- A. Support people in their efforts to transition out of poverty
- B. Prevent homelessness
- C. Improve the safety and energy efficiency of the housing stock
- D. Reduce lead hazards in housing

Medium Priority

- A. Increase neighborhood pride through investment in infrastructure
- B. Promote jobs and economic growth
- C. Create more stable and diverse mixed income neighborhoods

Low Priority

- A. Support Fair Housing and increase housing choice.

The full Consolidated Plan can be viewed on the city's web site at <http://www.lewistonmaine.gov/DocumentCenter/Home/View/151>

HOME Program

Lewiston and Auburn formed a consortium in July 2002 to receive HOME funds from HUD. Traditionally, HOME funds are allocated to communities on an entitlement basis similar to CDBG. However, since the criteria for receipt of a HOME entitlement are different than for CDBG, neither city qualifies to receive HOME entitlement funding on its own. In such cases, HUD allows neighboring communities to apply jointly for these funds. The City of Auburn is the Lead applicant and administers the program for both cities. Unlike CDBG funds, which may be used for a wide variety of project types, HOME funds are designed exclusively to finance affordable housing projects. As with CDBG, the City of

Lewiston's share from the HOME consortium varies annually, but the average allocation is +/- \$150,000 each year.

Funding Levels

The level of funding Lewiston will receive in FY 2019 is uncertain. As was the case with the FY 2018 budget, President Trump's proposed FY 19 budget eliminated the CDBG and HOME Programs. In FY 2018 there was push back from Congress on its elimination, with Senator Collins, Senate Chair of Appropriations, Subcommittee on Transportation, Housing and Urban Development being a strong proponent for continuing funding of these programs. In FY 2018 Lewiston received 1% more in CDBG funding than the prior year (\$800,805 vs. \$792,380). The HOME program was essentially flat funded, with the Consortium receiving \$554 less than the previous year (\$322,787 vs. \$323,341).

HUD has recommended that Entitlement Communities use flat funding from FY 2018 to develop their proposed budgets for FY 2019.

Citizen Advisory Committee FY 2019 Funding Recommendations

HUD regulations caps the amount of funding that can go to social service agencies at 15% of the annual allocation plus the prior year program income. HUD caps the amount of CDBG funds that can be used for Administration and Planning at 20% of the annual allocation plus the current year program income.

In December 2017 the City issued a Notice of Funding Availability and invited social service providers and others to submit requests for CDBG funds. The CAC reviews all requests for funds, interviews the submitting agency or entity, and then scores those applications based on how well each application meets the following criteria:

- a) Supports the 5 Year Strategic Plan and its goals (can score up to 35 points)
- b) Meets a critical unmet need (can score up to 35 points)
- c) Is within the applicants capacity to carry out (can score up to 20 points)
- d) Is cost effective (can score up to 10 points)

The majority of the CAC's time is spent evaluating the agency and public infrastructure requests. The scoring process has evolved and been fine-tuned by the CAC to improve its objectivity.

Attached is the budget showing the CAC's recommendations for the city's CDBG spending in FY 2019. The City received 18 social service agency applications requesting a total of \$309,242 in funding. CAC recommends investing \$157,170 on thirteen social service agencies/programs including \$58,500 to fund one full time position with benefits in Lewiston's General Assistance Office. Lewiston's GA office provides front line assistance to help very low income residents meet their most basic needs, meeting the national objectives of providing decent housing and a suitable living environment.

The CAC developed their funding recommendations for the other 13 agencies based on the following formulas:

For those agencies that scored 91 or above:

Amount requested X score expressed as a % X 70%

For those agencies that scored 88 - 90

Amount requested X score expressed as a % X 60%

For those agencies that scored 84 -86

Amount requested X score expressed as a % X 50%

Agencies that scored below 84 were not recommended for funding.

The one adjustment to the funding formula as outlined above was reducing the amount of funds used in the formula from the \$36,004 requested by Healthy Homeworks in FY 19, to the \$25,440 requested in FY 18. Without this adjustment Healthy Homeworks would receive a disproportionate level of funding compared to other agency requests, reducing the amount of funding available to other agencies by \$5,641. Even with using the prior year as a base for the funding equation, Healthy Homeworks is recommended for the 3rd highest level of funding among the non city agencies.

The recommended level of funding is \$3,774, or 2.34% below HUD mandated 15% agency cap. In calculating the cap the program income is estimated, and, accordingly, staff does not recommend funding all the way up to the cap. If loan repayments are less than projected the cap could be exceeded, which would cause compliance and possible repayment issues with HUD.

Administration

HUD regulations have a 20% cap on CD Office Administration and Planning. The recommended budget includes \$146,830 to fund staff salaries and costs of operation for the Community Development office; which is 6.6% (\$13,331) below the HUD cap of \$202,961. It should be noted that Economic and Community Development Department staff salaries and benefits are paid from a variety of federal grants and TIF agreements and do not affect the General Fund.

Housing

CDBG has been funding a Code Enforcement position dedicated to the target area since FY 2012. The position has played an essential role in identifying and recommending properties to be demolished, working with landlords to improve the quality of the housing stock, and addressing resident concerns. The CAC recommends continuing to fund the position at a cost of \$68,274.

Also recommended for funding is \$102,279 for administration of the city's rehabilitation loan programs. This funding is used for salaries, benefits and office supplies for the staff that promote, intake, and underwrite loans, document and process disbursements for those loans, and report to HUD.

Community Concepts, Inc. (CCI) runs a weatherization program that helps low/moderate income residents weatherize their homes. The CAC recommends \$25,000 be allocated to this program which provides grants to very low income individuals for replacement of roofs, upgrading of electrical systems, or other improvements that must be made to leverage and allow weatherization grant funding to be invested in these owner occupied properties. This program benefits Lewiston's most needy homeowners, many of who are elderly.

Choice Grant Match

Lewiston received notice earlier this month that the city and CCI, as a co-applicant, were awarded a \$1.3 million Choice Neighborhood Planning and Action Grant. Lewiston/CCI's application was among the top three of only six grants awarded nationally out of 30 applications. Lewiston, Los Angeles and Philadelphia each received \$1.3 million in funding. The other three grantee communities were chosen for planning grants of \$350,000.

The grant is to be used to help create a Transformation Plan for the Tree Streets area of the City. The Transformation Plan will engage residents of the area in developing a plan that addresses:

- **Housing-** replace distressed housing in the area with high quality mixed income housing that is responsive to the needs of the surrounding neighborhood
- **People-** improve outcomes of households living in the target housing related to employment and income, health, and children's education
- **Neighborhood-** create the conditions necessary for public and private reinvestment in distressed neighborhoods that result in the kinds of amenities and assets, including safety, good schools and commercial activity that are important to families choices and their community.

At their August 15, 2017 meeting the City Council authorized the City Administrator to apply for a Choice Neighborhood Grant. That council action included the commitment of \$237,500 in cash match to the Choice grant if awarded. The match funding could come from CDBG or other municipal resources. With recent news of the award, Choice grant work is beginning. While the grant period is for 3.5 years, the current strategy is to complete the grant work within 18 months. Doing so would coincide with the timing needed for the city to be eligible to apply for the next anticipated round of Choice Implementation Grants, which historically have provided tens of millions in grant funding to eligible communities.

The CAC recommends that the required match be provided over the course of 2 CDBG funding cycles, with the first funding of \$118,750 from the FY 2019 allocation.

Infrastructure

CDBG regulations allow funding of public infrastructure improvements that will improve the quality of life of residents in the target area.

Potvin Park CAC recommends that \$51,000 be provided to Public Works to fund rehabilitating the basketball court, installation of a cool mister and shade canopy, and new benches and trash receptacles in the park. Potvin Park is located in the CDBG Target Area. CDBG funds were used in 2016 to replace 20+ year old playground equipment in the park. This recommended expenditure will complete renovations to this heavily used playground.

Shane's Inspiration is a universally accessible playground to be built on the site of Marcotte Park. The total estimated cost for Shane's Inspiration is \$771,700. In FY 2017 & 2018 a total of \$175,000 of CDBG funds were approved to buy equipment and do site work. An additional \$36,000 of CDBG funds were allocated for environmental review, engineering and design costs at the park. To date, \$31,379 in private funds has been raised for the park. The equipment has been purchased. To install the equipment a rubberized surface must first be installed. The estimated cost to purchase and install the rubberized surface is \$150,000. It is essential that the rubberized surface be purchased and installed so the first phase of Shane's Inspiration can be completed. It will be the first universally accessible playground in Maine. In discussions between ECD staff and Heather Hunter it was recommended that \$75,000 of the cost of the rubberized surface be funded with CDBG, and the other \$75,000 through bonds. The CAC recommends that \$75,000 of the FY 19 CDBG allocation be used to complete Phase I of Shane's Inspiration.

Sophia's House - The Center for Wisdom's Woman has been working for several years on plans to redevelop 143 Blake Street into a residential recovery community for women who are survivors of incarceration, sex trafficking, prostitution, addiction and/or other similar trauma. Sophia's House will include a two year recovery program with wraparound support services for women and a permanent resident community of women mentors who will sustain basic operating costs and stability in community life at the house.

The building at 143 Blake Street was originally a convent. It will be redeveloped into 11 housing units. Five of the units will be efficiency apartments; the other six will be single room occupancy (SRO) units. The efficiency apartments will be rented to women who will be long term tenants that serve as mentors. The SRO units are intended to provide a safe haven for women coming out of prison, abusive relationships, or that are homeless. Two of the efficiency apartments and all of the SRO's will be available to people at or below 50% of the area median income. Three of the SRO units will be reserved for homeless women.

The total estimated cost of the historic rehabilitation is \$1.675 million. Sophia's House has already received a \$500,000 grant from the Federal Home Loan Bank of Boston. They will fund the project with historic tax credits, private fundraising, other grants, and bank financing. They requested, and the CAC recommends they receive \$150,000 in CDBG funding.

Tree Street Youth Phase II Renovations - In 2017 Tree Street Youth completed a \$1.3 million renovation to 65% of their facility. They requested \$125,000 and received \$87,000 in CDBG funds to assist in that effort.

Of the remaining 4,600 s.f. of their facility, 3,000 s.f. will be demolished, 1,600 s.f. need to be renovated, and 3,600 s.f. of new construction needs to be done to provide programming space for their Pre-K to 5th grade students. The estimated cost of the Phase II improvements is \$950,000.

Tree Street requested \$150,000 in CDBG funding. The CAC recommends \$48,951 in CDBG funding; but with the potential for possibly more or less, as explained below.

Federal Budget Change Strategy

As noted earlier in this memo, the amount of CDBG funds Lewiston will receive in FY 19 has not yet been determined. HUD recommended recipients develop CDBG funding plans based on the FY 18 allocation. They also recommended that a strategy be put in place if the funding approved by Congress is higher or lower than the FY 18 allocation.

Based on the scale of the changes between FY 2017 and FY 2018 (an increase of \$8,425), the CAC recommends that any funds received that are above or below the \$800,805 received in FY 18 be added to or subtracted from the funding recommended for Tree Street Youth.

The only change to this strategy would be if the federally approved budget is decreased to the degree where the recommended funding for agencies and administrations exceeds the 15% and 20% cap for those categories. If that is the case, the CAC will be reconvened to make revised recommendations for the council's consideration.

Other HUD Required Determinations

In addition to approving the CDBG budget, HUD is seeking more detailed explanations of how program income (loan repayments), HOME, and other federal dollars will be used to be articulated in the Action Plan that is submitted to HUD with the CDBG budget. A draft of the Action Plan will be provided at the March 29th council workshop. A public notice announcing availability of the plan and a 30 day public comment period will be published in the Sun Journal on March 31st.

Grant Match Sources

Over the last six months, in addition to the \$1.3 million Choice Planning and Action Grant, Lewiston also received a \$3.4 million Lead Hazard Reduction Demonstration grant and a Healthy Homes Supplemental grant. The lead and Healthy Homes grants are to be used in conjunction to make housing lead safe, well ventilated, and free of mold, vermin, and other contaminants in Lewiston and Auburn. The lead grant accounts for \$3 million of the combined grant award.

The lead grant requires an annual match of \$160,000 over the 3 year term of the grant. Match funds can come from property owner cash matches on loan/grant funds awarded, as well as funds lent to property owners by the city to help them meet their lead grant/rehabilitation loan match requirements. Some of the grant funding will be invested in rehabilitating eligible Auburn apartments, and accordingly, Auburn will be responsible for meeting their proportionate share of the grants match requirement based on the level of funding they receive.

At this stage in the grant process Lewiston does not need to provide funding from FY 19 CDBG allocation to meet our match requirements, but rather can meet the match requirement with owners cash match and loans funded from existing CDBG Revolving Loan program income.

Lewiston has applied for a \$200,000 EPA Brownfield Clean Up Grant to remove asbestos in Bates Mill #5. The city has not yet learned if we will receive a grant. If we do receive the grant it requires a \$40,000 match. The CAC recommends that match be funded with program income that has accumulated in the Revolving Loan Funds

HOME Budget

HUD regulations allow 10% of a HOME allocation for Administration. Auburn as the lead entity in the Consortium receives 4% of the 10% cap of the Consortium's allocation for administration. Lewiston and Auburn equally split the remaining 6% of the total allocation for administration to pay a portion of HOME involved staff salaries and benefits on each side of the river.

HOME funding can only be used to support home ownership assistance, owner occupied housing rehabilitation, tenant based rental assistance, or the creation of new housing for low income households. Lewiston has four long established HOME funded programs:

- Homebuyer Assistance that assist income qualified buyers save for the down payment with a 5:1 city match to private dollars capped at \$5,000 from the city, as well as closing cost assistance,
- Homeowner Rehabilitation Loans of up to \$40,000 for non-emergency repairs, such as HVAC system updates, energy improvements, roof replacement etc.
- Security Deposit Assistance Loans for homeless or at risk of homelessness households
- Support for development of new affordable housing, such as the Lofts at Bates Mill, Hartley Block, Healey Terrace and other similar projects.

Staff has created a new program modeled after a pilot program implemented in Auburn in FY 2018 that is named *Success in School*. The intent of the program is to provide up to two years of rental assistance and supportive services to families with school age children who are homeless or at risk of being homeless in order to keep the children in the same school and a stable home environment.

Attached is the CAC recommended HOME budget. It only shows the Lewiston portion of the HOME allocation. Lewiston is projected to receive \$154,938 in new allocation. The HOME program receives loan repayments from the Homebuyer, Homeowner Rehabilitation, and Security Deposit Programs. Income generated from these programs, or unspent from year to year, does not need to remain in the same program, but rather, can be reallocated annually to programs based on need.

The recommended HOME budget allocates \$36,490 to the Homebuyer program which will support 4 homebuyer with down payment and closing costs of an estimated \$8,000 per buyer. The Homeowner Rehabilitation Program is recommended for \$96,759 in funding to assist 6 homeowners repair their homes at an average cost of \$15,000 per unit. The Security Deposit Program is recommended for \$19,155 in funding which will provide 21 security deposits of \$900 each. The City provided \$325,000 in HOME funding to support the \$12 million Hartley Project. All but \$35,230 of that funding will be expended by the start of FY 2019. The last of the funding will be invested in the project in spring 2019. Lewiston's *Success in School* pilot project is recommended for \$60,825 in funding. The details of the program and partners in its implementation are still being developed and will be brought to the city council for review and approval. It is expected in the first year of the program 5 families will be assisted with security deposit, utility hook ups, and average monthly rental assistance of \$900.

Revolving Loan Funds

Many years ago Lewiston used CDBG funds to initially capitalize two Revolving Loan Funds (RLF); one for the city's residential loan programs and another for the commercial programs. The RLF's were intended to be self-perpetuating, with loan repayments being used to recapitalize the loan programs. The RLF programs worked pretty well. The residential RLF currently has a balance of \$248,750 and currently generates approximately \$10,000 monthly in program income. The commercial RLF has a balance of \$369,325 and generates approximately \$7,000 monthly in program income.

Recent changes in HUD regulations have made administration of the RLFs more challenging. Under HUD regulations Entitlement Communities cannot have more than 1.5 times their annual allocation plus program income unspent 60 days before the end of the program year. This is known as the Timeliness Cap. In January 2017 Lewiston learned that program income accumulated in RLFs would now be included in that calculation, which it had not before. Lewiston had a combined total of \$1,165,136 in the RLFs. With this high balance of program income Lewiston exceeded the Timeliness Cap. To meet the cap by May 1, 2018 the City Council has gone through the public process required to reallocate \$394,500 from the commercial RLF to fund public infrastructure projects in the CDBG Target Area that would help the city meet the Timeliness Cap. However, the best laid plans are sometimes set awry. The City recently and unexpectedly received \$150,000 in loan payoffs that have put us at risk of not meeting the Timeliness Cap for a second year. This puts the City at risk of losing a portion of its CDBG funding.

It is recommended that rather than separately tracking the residential and commercial RLFs, that they be combined into one RLF. Doing so will simplify bookkeeping for finance, and will no longer require a council action to move funds from one RLF to the other when demand requires it.

Projects that staff expect to be funded from the RLFs in FY 2019 include:

- \$300,000 in downtown rehabilitation projects that will utilize the facade and life safety commercial programs
- \$71,000 lead loans that will count as match to the grant
- \$70,000 to leverage additional weatherization and lead work
- \$125,000 rehabilitation loans on 1-4 unit properties

Conclusion

The CAC takes considerable time and care in developing their recommendations for the City Council. Their deliberations are always engaged and spirited with many viewpoints expressed. Their challenge is significant. The CAC's goal is to make recommendations to invest these scarce dollars in ways that will provide the most benefit to the city and its low to moderate income residents, following the guidelines of the *Consolidated Plan*.

While the CAC makes recommendations, the final decision on how CDBG dollars are invested is the City Council's.

I look forward to our discussion at the March 29th Workshop.

The council is scheduled to take final action on the CDBG and HOME budgets and the CDBG Action Plan at the May 1st council meeting.

LEWISTON CITY COUNCIL
MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Final Budget Public Hearing for the Fiscal Year 2019 Municipal Budget.

INFORMATION:

The City Council schedules and conducts two public hearings regarding the budget to receive citizen input. An initial public hearing is held earlier in the budget review process and a final public hearing is held at the end of the budget review process, prior to the final budget approval.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This public hearing is part of the budget process to receive citizen input.

EAB/kmm

REQUESTED ACTION:

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To conduct a final budget public hearing to receive citizen input and communication regarding the proposed Fiscal Year 2019 Municipal Budget.

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Resolve Approving the FY19 Budget for the Lewiston School Department.

INFORMATION:

The Council has held several budget workshop sessions with the School Committee during the past few months. The final school budget was presented to the City Council on April 17 at a budget workshop.

This Council action would approve the School Committee budget which will then go the School Budget Validation Referendum Election scheduled for Tuesday, May 8.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve approving the FY19 budget for the Lewiston School Department.

Resolve, Approving the FY19 Budget for the Lewiston School Department

Whereas, pursuant to the City Charter, the Lewiston School Committee prepared and approved a FY19 budget for the Lewiston School Department and has submitted that budget to the City Council; and

Whereas, subsequent to the receipt of this budget, the School Committee and the City Council have met to discuss and review it; and

Whereas, as proposed, the School budget meets the local share property tax commitment required by state law; and

Whereas, the City Council must approve the total amount of the School Budget before it can be presented to the voters in a school budget ratification election scheduled for May 8, 2018;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the Fiscal Year 19 budget approved by the Lewiston School Committee as outlined and detailed on the attached Lewiston School Department Budget Articles is hereby adopted, subject to approval of the voters of the City of Lewiston at a budget validation referendum.

LEWISTON SCHOOL DEPARTMENT BUDGET ARTICLES

EXPENDITURE ARTICLES TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE:

1. To authorize the Lewiston School Committee to expend June 30, 2019.	\$27,748,029	for Regular Instruction for the fiscal year beginning July 1, 2018 and ending
2. To authorize the Lewiston School Committee to expend June 30, 2019.	\$22,415,559	for Special Education for the fiscal year beginning July 1, 2018 and ending
3. To authorize the Lewiston School Committee to expend and ending June 30, 2019.	\$3,249,467	for Career and Technical Education for the fiscal year beginning July 1, 2018
4. To authorize the Lewiston School Committee to expend the fiscal year beginning July 1, 2018 and ending June 30, 2019.	\$1,362,562	for Other Instruction, including Summer School and Extracurricular Instruction for
5. To authorize the Lewiston School Committee to expend June 30, 2019.	\$5,210,906	for Student and Staff Support for the fiscal year beginning July 1, 2018 and ending
6. To authorize the Lewiston School Committee to expend June 30, 2019.	\$1,597,801	for District Administration for the fiscal year beginning July 1, 2018 and ending
7. To authorize the Lewiston School Committee to expend June 30, 2019.	\$2,832,705	for School Administration for the fiscal year beginning July 1, 2018 and ending
8. To authorize the Lewiston School Committee to expend June 30, 2019.	\$4,404,055	for Transportation and Buses for the fiscal year beginning July 1, 2018 and ending
9. To authorize the Lewiston School Committee to expend June 30, 2019.	\$6,799,709	for Facilities Maintenance for the fiscal year beginning July 1, 2018 and ending
10. To authorize the Lewiston School Committee to expend and ending June 30, 2019.	\$6,661,943	for Debt Service and Other Commitments for the fiscal year beginning July 1, 2018
11. To authorize the Lewiston School Committee to expend June 30, 2019.	\$23,238	for All Other Expenditures for the fiscal year beginning July 1, 2018 and ending

REVENUE ARTICLES TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE AND LEWISTON CITY COUNCIL:

12. To see what sum the City will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$77,253,907.29) and to see what sum the City will raise as the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, §15688.

Statutory Recommendation	\$18,893,263.75
School Committee Recommendation	\$18,893,263.75

Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the City must raise in order to receive the full amount of state dollars.

13. In the event that Lewiston School Department receives more state education subsidy than the amount included in its budget, the School Committee shall first use the additional state subsidy to decrease the local cost share expectation, as defined in Title 20-A, section 15671 A(1)(B), for local property taxpayers for funding public education, provided that the total amount of funds raised by local taxpayers under Article 12 is no more and no less than the local cost share expectation defined by law, and the School Committee shall then be authorized to use any remaining additional subsidy to cover emergency expenditures for school purposes in cost center categories approved by the School Committee and/or to leave any remaining additional subsidy unexpended to be applied to the school budget for the following fiscal year.

14. To appropriate the sum of \$1,223,855 for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed to repay the annual payments on Lewiston's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the City Council.

15. To raise and appropriate the sum of \$0 in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, section 15690.

Explanation: The additional local funds are those locally raised funds over and above the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the City's budget for educational purposes.

TOTAL SCHOOL OPERATING BUDGET ARTICLE TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE AND LEWISTON CITY COUNCIL:

16. To authorize the Lewiston School Committee to expend the sum of \$82,305,974 fiscal year beginning July 1, 2018 and ending June 30, 2019 from the City's contribution to the total cost of funding public education from prekindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

OTHER REVENUES TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE AND LEWISTON CITY COUNCIL:

17. To authorize the Lewiston School Committee to expend additional State, Federal and other funds received during the fiscal year 2018-2019 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated.

ADULT EDUCATION TO BE APPROVED BY LEWISTON SCHOOL COMMITTEE AND LEWISTON CITY COUNCIL:

18. To appropriate the sum of \$677,122 for adult education for the fiscal year beginning July 1, 2018, and ending June 30, 2019, and to raise the sum of \$440,862 as the local share for adult education, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Budget Recommendations from the Finance Committee regarding the proposed Fiscal Year 2019 Municipal Budget.

INFORMATION:

By City Charter, the Finance Committee annually reviews the proposed municipal budget and sends a recommendation to the City Council regarding it. Their recommendation is attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Per the City Charter, the Finance Committee shall issue their budget recommendations to the City Council.

EAB/Kmm

REQUESTED ACTION:

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To receive and review the recommendation from the Finance Committee regarding the proposed Fiscal Year 2019 Municipal Budget.



City of Lewiston, Maine
Finance Committee



April 9, 2018

The Honorable Shane Bouchard, Mayor
And Members of the City Council
City Hall
Lewiston, Maine 04240

Dear Mayor and Members of City Council:

At a meeting of the Finance Committee held on April 9, 2018 the Committee agreed upon the following recommendation of the FY2019 Municipal Budget, to be ratified at the April 23, 2018 meeting:

As required by Lewiston City Charter, the Finance Committee has reviewed the FY2019 Lewiston Municipal Budget and provides our recommendations and concerns at this time.

The Finance Committee again takes this opportunity to remind the council of our previous recommendation regarding the LCIP and how it will affect this budget. FY19 requests far exceeded what we have seen in past years and we maintain public safety and current needs before moving into new projects that could be postponed to future years. We also urge vigil over the definition of what should be capitalized and ask city staff to ensure that staff salaries listed within capital projects are absolutely necessary and that city staff avoids including supplies lasting less than a year within the capital purchases. Given the review of the LCIP we would support asking the voters to approve any bonding that exceeds current charter rules.

We appreciate the City Administrator's spending down of the unreserved surplus fund and agree that a targeted floor (minimum) of 10% should be maintained at this time. 10% equals funding for 36 calendar days or 5 weeks of reserve in the event of any catastrophic event or condition. We understand the City Council is regularly apprised of the funding balance and can make decisions on spending excess when recommended by the City Administrator.

We remain concerned with the current bidding system, as it appears to favor the bidder more than it does the city. While there is likely little that can change, a system which allows the bidders to know in advance how much money you can devote to an item or service might not provide for you the best bid. This comment is not a condemnation of any individual bidder who we have or may work with but instead an observation of an area that could be exploited. We also recommend the city carefully review each bid proposal to ensure we maintain as much flexibility as possible in terms of time frames and project scope, design and materials to ensure the most bidders possible and more favorable pricing.

Our housing stock is aging but our residents should feel safe in their housing. We are pleased to see the city is now developing a standard to inspect and license multi-family properties and recommend this continue with code enforcement and fire department involvement. Allowing for a small fee to the property owner to offset those costs is an effective way to manage the program. You may also wish to consider two fee schedules and code/licensing standards to reflect the difference between owner occupied and nonowner occupied units. While an argument can be made that any cost is passed down from the property owner to the resident, we feel the citizens would agree that the need for public safety of our citizens outweighs those concerns.

We do NOT recommend any cuts in staffing other than open positions, which might be re-worked into the job descriptions of others already on staff. We do however recommend that any future negotiations with the various unions set more realistic targets that equal what the private citizen sees in their daily lives. Finding a metric such as Social Security COLAS and looking to what private employers require their employees pay as a share of insurance and other benefits seems fair given the struggle many are undertaking in their private lives.

Lastly, our recommendations are developed knowing that we are not yet clear on state funding amounts and/or programs which could affect the final budget. For example, the schools have indicated some uncertainty in portions of their funding and by rule any budget they produce cannot be changed later should they need additional funding from the taxpayers(it can be decreased but not increased) thus it is likely we would see a "worse-case scenario" budget. Should that occur, we strongly urge the City Council and the School Committee to understand those portions and ensure that should the local match end up being less that the overage in the budget not then be spent on other items or needs that were not included in the original budget but instead, returned directly to the taxpayer by decreasing the property tax due.

Robert Reed, Chairman
Finance Committee

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Order Authorizing the City Administrator to provide city services and funding for City Non-Profit Organization Activities in accordance with the FY2019 City Council approved list.

INFORMATION:

The City Council has received and reviewed the list of requested donations and in-kind support from various non-profit agencies. This agenda item is to approve the City Administrator's recommendations for city support regarding a monetary donation as well as in-kind donations for the upcoming programs and events. In-kind donations include city support such as overtime costs for Public Works and Police Department staff as well as a waiver of permit fees and use of city equipment such as jersey barriers, snow fencing, trash cans and so forth.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/llmm

REQUESTED ACTION:

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To approve the Order authorizing the City Administrator to provide city services and funding for City Non-Profit Organization Activities in accordance with the FY2019 City Council approved list.



City of Lewiston, Maine
City Council Order
May 1, 2018



ORDER, Authorizing the City Administrator to Provide City Services and Funding for City Non-Profit Organization Activities in Accordance with the FY2019 City Council approved List.

Whereas, the City of Lewiston has a history of providing in-kind support services and limited cash contributions for a variety of activities that will enhance our City's quality-of-life and provide certain non-profit organizations a source of revenue to support programming available to eligible Lewiston residents; and

Whereas, the organizations which will receive FY2019 City support have complied with the application requirements set forth in the "Charitable Organization Support Policy;" and

Whereas, requests for such City support have been reviewed by the City Council as a part of the FY2019 budget process;

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

the City Administrator is authorized to direct City departments to provide applicable City in-kind support services outlined in the attached "Lewiston Charitable Donations – Summary of Requests for FY2019" less the \$50 application fee and licenses and permits in accordance with the City's Special Events Policy and to issue a cash payment to the Liberty Festival to support its July 4th fireworks display subject to the City Council's final approval of the FY2019 municipal budget; and

Be It Further Ordered That

The City Policy restricting the loaning of tables and chairs be waived for Advocates for Children and the Great Falls Balloon Festival.

Summary & Special Notes on Municipal Dues and Donations Budget

J. Labbe 03-22-18

No.	FY2019	Cash Requests	Total all OT Costs	ALL FEES IN THIS COLUMN ARE PAID BY EVENTS UNLESS NOTED	ALL FEES IN THIS COLUMN ARE PAID BY EVENTS UNLESS NOTED	Total In-Kind Requested	COMMENTS	ROAD RACES B1; FESTIVALS ON CITY PROP B2; BEGINS IN OTHER TOWN B3; REQUEST FOR MISC SUPPORT B4
				Park Charges	Misc, Perm, Licenses			EVENT CATEGORY
FY190013	Advocates for Children - BBQ & Festival - TABLES	\$ -	\$ -	\$ -	\$ 250.00	\$ 250.00	FEE WAIVER REQUESTED - 50 tables only (Adv for Children will deliver)	B4
FY190011	A-L Rotary Criterium - Bike Race	\$ -	\$ 840.75	\$ -	\$ 8.50	\$ 849.25		B1
FY190024	Art Walk LA, Concerts	\$ -	\$ 794.00	\$ -	\$ 323.20	\$ 1,117.20	no park fees per policy for concerts	B2
FY190018	Central Maine Heart Walk	\$ -	\$ 649.00	\$ 202.50	\$ 8.50	\$ 860.00		B1
FY190002	Community Health & Counseling - CASH ONLY	\$ 150.00	\$ -	\$ -	\$ -	\$ 150.00		
FY190014	Dempsey Challenge - CMMC	\$ -	\$ 5,395.75	\$ 972.00	\$ 101.50	\$ 6,469.25		B1
FY190005	GAHS - Strutt Your Mutt Walk	\$ -	\$ 139.50	\$ -	\$ 8.50	\$ 148.00		B1
FY190022	Great Falls Balloon Fest	\$ -	\$ 15,978.75	\$ 324.00	\$ 449.50	\$ 16,752.25		B2
FY190003	Healty Equity Alliance - CASH ONLY	\$ 750.00				\$ 750.00		
FY190020	LA Bridge Run - Triple Crown Series	\$ -	\$ 1,960.50	\$ -	\$ -	\$ 1,960.50		B1
FY190017	Lewiston Farmers Market	\$ -	\$ -	\$ -	\$ 372.50	\$ 372.50		B2
FY190015	Farmers Market VOUCHER PROGRAM, Vets/Seniors	\$ 500.00				\$ 500.00		
FY190023	Liberty Festival	\$ 10,000.00	\$ 2,548.00		\$ 58.50	\$ 12,606.50		B2
FY190001	Life Flight - CASH ONLY	\$ 2,000.00	\$ -	\$ -	\$ -	\$ 2,000.00		B2
FY190025	Pride LA		\$ 1,476.00	\$ 67.50	\$ 50.50	\$ 1,594.00		
FY190006	Safe Voices Walk Fundraiser	\$ -		\$ -	\$ 17.00	\$ 17.00		B1
FY190012	Sunday Indie Market		\$ 592.50	\$ 530.00	\$ 302.00	\$ 1,424.50		
FY190019	Twin Cities Holiday Celeb - City sponsored	\$ -	\$ 1,888.00	\$ -	\$ 67.00	\$ 1,955.00		B2
FY190026							3 events (Mem Day Parade; June Flag Day; Nov Vets Day Review--APPROVED AS OFFICIAL CITY EVENTS IN POLICY 5.19.15	
FY190027								City sponsored
FY190028	Veterans Council (approved by CC 5/5/15)	\$ -	\$ 2,105.50	\$ -	\$ 32.00	\$ 2,137.50		
FY190007	Walk to End Alzheimers	\$ -		\$ 67.50	\$ 8.50	\$ 76.00		B1
FY190029	World Refugee Day			\$ 135.00	\$ 17.00	\$ 152.00		
FY190009	YMCA Fit Test - Triple Crown Series	\$ -	\$ 2,100.00	\$ -	\$ -	\$ 2,100.00		B1
		\$ -	\$ -	\$ -	\$ -	\$ -		
		\$ -	\$ -	\$ -	\$ -	\$ -		12 - B1
		\$ -	\$ -	\$ -	\$ -	\$ -		8 - B2
						\$ -		0 - B3
								2 - B4
	TOTAL REQUESTS	\$ 13,400.00	\$ 36,468.25	\$ 2,298.50	\$ 2,074.70	\$ 54,241.45		

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Resolve Authorizing the Use of \$1,500 from the Farrar Fund for costs of basic necessary services for needy individuals.

INFORMATION:

The Farrar Fund is an endowment fund that was established to provide medical and dental services for the residents of Lewiston who are not able to meet their own needs. These residents are usually not eligible for other forms of aid and would otherwise go without needed services and products such as eyeglasses, dentures, prescription drugs, etc.

The Council is requested to authorize the Director of Social Services to expend up to \$1,500 from this account in the coming year, a similar amount to past years. This amount will include interest earned in the past year supplemented by interest earnings accumulated and retained over time. Fund principal in the amount of \$18,551 is to be maintained in perpetuity.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/llmm

REQUESTED ACTION:

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To approve the Resolve authorizing the use of up to \$1,500 from the Farrar Fund for the expenses of basic necessary services for Lewiston residents where such costs are not covered by other assistance programs and as determined by the Director of Social Services.



**City of Lewiston Maine
City Council Resolve
May 1, 2018**



Resolve, Authorizing the Use of \$1,500 from the Farrar Fund for Costs of Basic Necessary Services for Needy Individuals.

Whereas, the City of Lewiston was left an endowment to provide for medical and dental expenses for needy individuals; and

Whereas, in 2008, the City Council authorized the use of these funds, as determined by the Social Services Director, to provide basic, necessary services to those individuals whose income is no greater than 185% of the federal poverty level; and

Whereas, fund principal in the amount of \$18,551 is to be maintained in perpetuity; and

Whereas, due to the low rate of return on investments, it is anticipated that the demand for service will exceed the adopted procedure of only utilizing the prior year's investment earnings; and

Whereas, the appropriation of \$1,500 is recommended with additional funding for this amount over and above the interest earned in the prior year coming from interest earnings accumulated and retained over time;

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

the Social Services Director is authorized to spend up to \$1,500 from the Farrar Fund, a reduction of \$500 from the authorized amount in FY18.



Finance Department

Heather Hunter
Director of Finance/Treasurer
hhunter@lewistonmaine



TO: Mayor Shane Bouchard
And Members of the City Council

FROM: Heather Hunter, Finance Director

SUBJECT: **Farrar Fund Expenditures**

DATE: April 24, 2018

Annually, the City Council is asked to approve the use of only the accumulated investment earnings from the Farrar Fund. On May 10, 2001, the City Council voted to authorize the use of these funds for medical and dental expenses incurred in the Social Services budget. Prior to this date, it was budgeted in the Public Health budget.

In 2008, the Council voted to authorize the funds to be used for charitable need purposes, as determined by the Social Services Director, to provide basic necessary services to those individuals whose income is no greater than 185% of the federal poverty level. This action allows for the funds to be used for essential basic needs; however, in the recent past the majority of the assistance has been for prescription medication due to the overwhelming demand. These clients are not covered by Maine Care or any other insurance program and, after the City provides rent and utility assistance, their overall General Assistance maximum has been met.

As of March 31, 2018, the principal balance of \$18,551.07 has been maintained in perpetuity and the accumulated interest earnings amount to \$10,457. In accordance with the adopted procedure, anticipated expenditures in excess of the prior year's interest earning of \$84.60 must be approved by Council. Although the need is far greater, it is requested that the City Council authorize a \$1,500 limit for fiscal year 2019.

LEWISTON CITY COUNCIL
MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Resolve approving the Final Adjustments to the Fiscal Year 2019 Municipal Budget.

INFORMATION:

This Resolve will enact the various budget modifications that the City Council suggested throughout the budget process.

Should the Council wish to make further changes, or adjust the proposed in the attached resolve, this should be done by amending this resolution. As a reminder, amending the resolve will require four votes; adopting the final municipal budget, the next item on the agenda, will require 5 votes.

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 adopt the Resolve approving the final adjustments to the Fiscal Year 2019 Municipal Budget.



**City of Lewiston Maine
City Council Resolve
May 1, 2018**

RESOLVE, Approving the Final Adjustments to the Fiscal Year 2019 Municipal Budget

Whereas, in accordance with the Charter, the City Administrator presented his proposed Fiscal Year 2019 budget to the City Council on March 20, 2018; and

Whereas, since then, the City Council has met on numerous occasions to review the various departmental budgets and to discuss changes to the Administrator's proposal; and

Whereas, throughout this process, the City Council has shown support for certain changes and adjustments affecting both the general fund and utility funds expenditure budgets; and

Whereas, the overall goals of this effort were to maintain essential public services while reducing the impact of the budget on the taxpayers of the City of Lewiston; and

Whereas, the following summary represents the results of this effort;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the following Final Budget Adjustments Summary for Fiscal Year 2019, is hereby approved:

Adj. #	Org.	Object	Account	Amount
<i>Revenues:</i>				
1	4192	362300	District Court Rent	(69,952)
2	4155	316100	Auto Excise Tax	40,000
3	4151	371150	Other Reimbursements	20,000
4	4213	351350	Parking Violations	3,830
5	4151	335200	State Revenue Sharing	105,000
				98,878
<i>Expenditures:</i>				
6	4144	412500	Temp. Wages - net	(3,250)
7	4161	426200	Maintenance & Licensing	12,900
8	4191	426100	Outside Rental	(1,500)

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

27 Pine Street Lewiston, Maine 04240 Telephone (207) 513-3017 Fax (207) 784-2959

9	4192	422500	Utilities	8,600
10	4192	425000	Cleaning	15,070
11	4192	426100	Outside Rental	(1,000)
12	4192	427000	Repairs to Equipment	2,448
13	4192	427500	Repairs to Buildings	1,500
14	4192	439800	Other Supplies	250
15	4213	426500	Repairs to Vehicles	18,000
16	4216	411000	Salaries	(42,491)
17	4216	411000	Salaries	(32,989)
18	4216	411000	Salaries	34,528
19	4216	434500	Dept. Apparel	(250)
20	4217	426100	Outside Rental	(6,500)
21	4221	426200	Maintenance & Licensing	5,674
22	4222	426500	Repairs to Vehicles	5,000
23	4311	411000	Salaries	(32,344)
24	4331	427210	Street Light Painting	35,000
25	4338	422500	Utilities	6,000
26	4381	427000	Repairs to Equipment	5,000
27	4519	426100	Outside Rental	(1,000)
28	4559	426100	Outside Rental	(1,500)
29	4711	449000	Principal	623,415
30	4721	449000	Interest	108,926
31	4921	417100	Health Insurance	(28,067)
32	4921	417200	Flexible Spending	(998)
33	4921	417250	Health Reim. Arrangement	(6,198)
34	4931	417002	Retirement	(3,556)
35	4931	417003	FICA & Medicare	(5,415)
36	4941	417500	Unemployment	(5,500)
				709,754
Water:				
37	6085	643601	Principal	104,950
38	6085	642701	Interest	28,077
39	6085	640301	Capital	(160,000)
				(26,973)
40	6000		Sewer Meter Service	80,000
Sewer:				
41	6285	643601	Principal	193,834
42	6285	642701	Interest	41,336
43	6250	662509	Capital Outlay	(80,000)
				155,170
Storm Water:				
44	6485	643601	Principal	123,001
45	6485	642701	Interest	26,038
				149,039

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LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Resolve Making an Appropriation for Utility and Special Revenue Funds for Municipal Budget Year 2019.

INFORMATION:

This action is the final phase of the budget adoption for the water, sewer and storm water budgets as well as the Recreation Activities budget, and is an item that needs to be done annually. The attached information defines the Water, Sewer and Storm Water Appropriation as well as that for the Recreation Activities account.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve Making an Appropriation for Utility and Special Revenue Funds for Municipal Budget Year 2019.



**City of Lewiston Maine
City Council Order
May 1, 2018**

RESOLVE, Making an Appropriation for Utility and Special Revenue Funds for Municipal Budget Year 2019

Be It Resolved by the City Council of the City of Lewiston that the appropriation for municipal year 2019 for the following Enterprise Funds is hereby authorized and approved: the Water Fund in the amount of \$5,718,127, the Sewer Fund in the amount of \$6,747,449, and the Storm Water Fund in the amount of \$2,909,377; and

Be It Further Resolved by the City Council of the City of Lewiston that the appropriation for municipal year 2019 for the following Special Revenue Funds is hereby authorized and approved: the Recreation Activity Fund in the amount of \$109,399 with approval to pursue offering new programs that are financially viable, the Police Drug Forfeiture Fund in the amount of \$115,206; and the Tax Increment Financing Fund in the amount of \$1,992,540; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any grants from the State of Maine, the Government of the United States of America, or any other organization received during this budget year where such grant is equal to or less than \$25,000, such appropriation to become effective upon formal Council action to accept such grant.

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Resolve authorizing the use of \$4,557,203 from the General Fund Unassigned Fund Balance for Capital Outlay purchases and other one-time costs.

INFORMATION:

This agenda item is to approve the appropriation of the General Fund Unassigned Fund Balance for the purchase of capital needs and other one-time costs. The City Council wishes to minimize the tax rate increase needed to balance the fiscal year 2019 budget and therefore will utilize existing fund balance to cover some pending capital needs and specific expenses.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve authorizing the use of \$4,557,203 from the General Fund Unassigned Fund Balance for Capital Outlay purchases and other one-time costs.



**City of Lewiston Maine
City Council Resolve
May 1, 2018**



Resolve, Authorizing the Use of \$4,557,203 from the General Fund Unassigned Fund Balance for Capital Outlay Purchases and Other One-time Expenses.

Whereas, the City of Lewiston adopted Ordinance 11-05 pertaining to Unassigned Fund Balance and effective on August 18, 2011; and

Whereas, the ordinance establishes an Unassigned Fund Balance floor of 8% and a ceiling of 12% of GAAP revenues including transfers in; and

Whereas, as of June 30, 2017, the City's General Fund Unassigned Fund Balance floor was \$9,354,526 and the ceiling was \$14,031,789; and

Whereas, as of June 30, 2017, the City's actual General Fund Unassigned Fund Balance was \$16,415,233, or 14.04%; and

Whereas, during fiscal year 2018, the City Council approved the use of \$130,000 to purchase a sidewalk snowplow which reduced General Fund Unassigned Fund Balance to \$16,285,233, or 13.90%; and

Whereas, the City Council wishes to minimize the tax rate increase needed to balance the fiscal year 2019 budget, and reduce the amount of projects to be funded from bond proceeds;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that \$4,557,203 of unassigned fund balance is hereby appropriated to address the following capital needs:

Dept.	Org.	Object	Account	Amount
Auditing	4153	428900	Training	3,600
MIS	4161	426200	Maintenance & Licensing	8,400
MIS	4161	450500	Office Equipment	37,200
MIS	4161	450500	Office Equipment	2,400
MIS	4161	450500	Office Equipment	1,200
MIS	4161	450500	Office Equipment	1,800
MIS	4161	450500	Office Equipment	68,040
MIS	4161	450500	Office Equipment	121,470
HR	4181	450500	Office Equipment	1,930
City Hall	4191	427500	Repairs to Building	5,400
City Hall	4191	427500	Repairs to Building	2,300
City Hall	4191	458000	Buildings	16,000

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City Hall	4191	458000	Buildings	10,000
City Hall	4191	458000	Buildings	26,000
City Hall	4191	458000	Buildings	83,000
Oak St.	4193	427500	Repairs to Buildings	10,000
Oak St.	4193	427500	Repairs to Buildings	6,000
Centreville P.G.	4194	458000	Buildings	230,000
Chestnut St	4195	427500	Repairs to Building	18,000
Chestnut St	4195	458000	Buildings	25,000
S. Gateway	4196	427500	Repairs to Building	12,000
S. Gateway	4196	427500	Repairs to Building	1,000
Lincoln St.	4197	427500	Repairs to Building	1,200
Police	4213	451000	Vehicles	72,750
Police	4213	451000	Vehicles	62,750
Police	4217	458000	Buildings	45,000
Fire	4221	450500	Office Equipment	10,108
Fire	4222	435800	Public Safety Supplies	15,500
Fire	4222	435800	Public Safety Supplies	2,000
Fire	4222	451000	Vehicles	50,000
Fire	4222	452500	Public Safety Equipment	3,000
Fire	4222	452500	Public Safety Equipment	1,500
Fire	4223	452800	Communication Equipment	10,500
Fire	4229	453000	Household Equipment	5,200
Fire	4229	458000	Buildings	4,000
Fire	4229	458000	Buildings	4,000
Fire	4229	458000	Buildings	3,600
Fire	4229	458000	Buildings	12,000
Fire	4229	458000	Buildings	14,400
Highway	4331	436000	Small Tools & Implements	1,600
Highway	4331	436000	Small Tools & Implements	5,650
Highway	4331	452500	Public Safety Equipment	1,800
Highway	4331	457000	Other Betterments - Resurfacing	41,000
Highway	4331	457001	Resurfacing	129,000
Highway	4331	457001	Resurfacing	59,000
Highway	4331	457003	Other Betterments - Guardrails	4,000
Sidewalks	4334	457000	Sidewalks	331,000
St. Lighting	4338	436000	Small Tools & Implements	5,625
Waste Dis.	4343	451000	Vehicles	13,000
Waste Dis.	4343	457000	Betterments	250,000
Parks	4351	436000	Small Tools & Implements	1,000
Parks	4351	457000	Other Betterments	800
Open Spaces	4351	457000	Betterments	75,000
Hydro	4361	427500	Repairs to Buildings	3,500
Hydro	4361	428816	Canal Maintenance	46,840
MG	4381	451000	Vehicles	35,000
M. Garage	4381	451000	Vehicles	1,231,000
M. Garage	4381	452000	Garage & Shop Equipment	14,000
M. Garage	4381	452000	Garage & Shop Equipment	1,800
M. Garage	4381	452000	Garage & Shop Equipment	22,000

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M. Garage	4381	452000	Garage & Shop Equipment	4,200
M. Garage	4381	452000	Garage & Shop Equipment	55,000
PW Buildings	4391	458000	Buildings	36,000
PW Buildings	4391	458000	Buildings	5,500
PW Buildings	4391	458000	Buildings	17,000
PW Buildings	4391	458000	Buildings	26,000
Armory	4519	458000	Buildings	3,000
Armory	4519	458000	Buildings	35,822
Armory	4519	458000	Buildings	6,000
Armory	4519	458000	Buildings	4,000
Armory	4519	458000	Buildings	15,000
Library	4552	450500	Office Equipment	2,100
Library	4559	458000	Buildings	138,500
Library	4559	458000	Buildings	56,100
Library	4559	458000	Buildings	22,350
Airport	4811	449000	Airport	10,000
Airport	4811	449000	Fixed Charges	150,000
Transit	4812	451000	Transit	50,000
911	4813	449000	Fixed Charges	85,000
Severance	4931	416000	Severance Pay	300,000
W. Comp	4941	417400	Workers Comp	197,768
Donations	4951	443000	Donations	50,000
Misc.	4991	450500	Office Equipment	7,000
				4,557,203

LEWISTON CITY COUNCIL
MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Adoption of Municipal Budget Appropriation Resolve for Fiscal Year 2019.

INFORMATION:

This action is the final phase of the budget adoption for the municipal budget. The attached information defines the Appropriation Resolve.

Please note, per the City Charter, five or more affirmative votes are required for the passage of this Resolve.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Municipal Budget Appropriation Resolve for Fiscal Year 2019.



**City of Lewiston Maine
City Council Order
May 1, 2018**

RESOLVE, Making an Appropriation for Municipal Budget Year 2019

Be It Resolved by the City Council of the City of Lewiston that the sum of \$46,108,002 is hereby appropriated in the General Fund for the municipal year 2019 in accordance with the schedule of appropriations; and

Be It Further Resolved by the City Council of the City of Lewiston that, in addition to such other revenues as are estimated to be available to meet the above appropriations including the Homestead and Business Equipment Tax Exemption reimbursement, the sum of \$34,093,085 be raised by assessment upon the estates of the inhabitants of the City of Lewiston and upon the estates of non-resident proprietors within said City for the present municipal year; and

Be It Further Resolved by the City Council of the City of Lewiston that the sum of \$12,014,917 be appropriated as non-tax revenues in the General Fund for the municipal year 2019 in accordance with the schedule of appropriations; and

Be It Further Resolved by the City Council of the City of Lewiston that the list of tax assessments upon the estates in Lewiston for all city taxes, together with all assessments and charges made under the provisions of the Maine Revised Statutes annotated, Title 30A, Section 3406 and 3442 to 3445 inclusive, and the City's due proportion of the County Tax in the amount of \$2,716,558 for the period of July 1, 2018 through June 30, 2019 shall be committed by the Assessor to the Finance Director, and one-half of said taxes shall be due and payable on the 17th day of September 2018 with the remaining one-half of said taxes due and payable on the 15th day of March 2019; and

Be It Further Resolved by the City Council of the City of Lewiston that interest at the maximum State approved rate of 8% per annum for fiscal year 2019 shall be collected on the first half of said taxes from September 18, 2018, if not voluntarily paid to the Finance Director on or before September 17, 2018 and on the second half of said taxes from March 16, 2019, if not voluntarily paid to the Finance Director on or before March 15, 2019; and

Be It Further Resolved by the City Council of the City of Lewiston that in each case, said interest shall be added to and become a part of said taxes; and

Be It Further Resolved by the City Council of the City of Lewiston that the Treasury Manager/Tax Collector is authorized to accept payments of uncommitted taxes and to pay to the taxpayer interest from the date of payment to the commitment date at a rate of 0% and that refunds for overpayments or abatements shall be paid to the taxpayer with interest from the date of payment to the date of abatement or refund, whichever is earlier, at an interest rate of 2.00%; and

Be It Further Resolved by the City Council of the City of Lewiston that the Treasury Manager/Tax Collector shall apply all payments to the oldest balance due to the City on that account regardless of any instructions the customer/taxpayer may give. If, however, a lien has matured, the Treasury Manager/Tax Collector may not accept payment on that account unless a workout agreement is in place or approval has been granted by the Finance Director to accept payment. If a customer/taxpayer has more than one account, any payment shall be applied to the oldest balance due; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally accepts and appropriates any cash contributions received during this budget year to the appropriate department and purpose for which such contribution has been made and where such contribution is equal to or less than \$10,000; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any grants from the State of Maine, the Government of the United States of America, or any other organization received during this budget year where such grant is equal to or less than \$25,000, such appropriation to become effective upon formal Council action to accept such grant; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any insurance proceeds received during this budget year to the appropriate department for the purpose of repairing or replacing the damaged property where such amount is equal to or less than \$50,000, such appropriation to become effective upon receipt of funds; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any Municipal Garage revenues in excess of the amount expended at the end of the fiscal year to be included in the General Fund Municipal Garage Vehicle Reserve Account; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates a 2% cost of living adjustment for nonunion personnel effective on the payroll check dated July 3, 2018 and directs the Finance Director to make the necessary adjustments to non-union salary schedules; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized from the library's permanent endowment fund in accordance with the recommendation of the Library Board of Trustees and to the extent that the

City Administrator determines that such an appropriation is in accordance with existing City and Library policies; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized to transfer the amount of \$6.62 or the current State reimbursement rate per snowmobile registration to the Hillside Snowmobile Club. Payment will be made annually to the Hillside Snowmobile Club by June 30, 2019; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized to transfer the amount of 20% of net timber harvesting revenue, if any, to the Community Forestry Fund in accordance with City Ordinance 78-45. Payment will be made annually to the Community Forestry Fund by June 30, 2019; and

Be It Further Resolved by the City Council of the City of Lewiston that the City Administrator is instructed to include a new Fire Battalion Chief and a new Planning position in his recommended base FY20 budget; and

Be It Further Resolved by the City Council of the City of Lewiston that this budget reflects anticipated intergovernmental revenues from the State of Maine in accordance with existing law and that the budget proposed by the Governor recommends various changes to municipal support programs and the homestead exemption program that may affect this budget and require additional appropriations or budget adjustments. In the event that the final adopted state budget affects municipal revenues or expenditures, the total Fiscal Year 2018 tax commitment is hereby additionally increased in an amount equal to the reductions in such state revenues or the required increase in municipal expenditures. If necessary and within sixty (60) days of the adoption of the state budget, the City Council shall determine the proportion of this additional tax commitment that shall be offset by reductions in the various General Fund expenditure accounts; and

Be It Further Resolved by the City Council of the City of Lewiston that the City Council deems it necessary to adopt a budget which exceeds the percent increase of the Gross National Product-Implicit Price Deflator and hereby waives the provisions of Section 6.07(h) of the City Charter.

(NOTE – Five or more affirmative votes are required for the passage of this Resolve.)

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT: Order, Authorizing the City Administrator to Execute a Settlement Agreement and Release with Franklin Property Trust Regarding 795 Lisbon Street.

INFORMATION:

Late last calendar year, the City became aware of significant erosion problems occurring at 795 and 805 Lisbon Street that were posing a threat to public health and safety and the structures at those locations. The City holds an easement across 795 Lisbon St. in which the City has installed storm water drainage pipes. In December, the City Council issued an Order pursuant to the Maine Dangerous Building statute directing the owners of these properties to take action to address the erosion problem and authorizing the City to do so should the owners not take appropriate actions. In January 2018, Franklin Property Trust, the owner of 795 Lisbon St., filed suit against the City. Subsequently, the City took action to address the problem, expending about \$57,000 to address it. Earlier this year, the City reached a settlement agreement with the owner of 805 Lisbon which reimbursed the City \$7,500 toward the project. We have now reached a similar agreement with Franklin Property Trust, which will provide the City with a \$15,000 payment. The City will absorb the remaining cost through the Stormwater Utility, recognizing that the City holds a drainage easement in this area. The agreement also details certain obligations of the parties.

The attached order will authorize the City Administrator to execute the settlement

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 the City Administrator to Execute a Settlement Agreement and Release with Franklin Property Trust Regarding 795 Lisbon Street.



COUNCIL ORDER

Order, Authorizing the City Administrator to Execute a Settlement Agreement and Release with Franklin Property Trust, LLC Regarding 795 Lisbon Street.

Whereas, late last calendar year, the City became aware of significant erosion problems occurring at 795 and 805 Lisbon Street that were posing a threat to public health and safety and the structures at those locations; and

Whereas, the City holds an easement across 795 Lisbon St. in which the City has installed storm water drainage pipes; and

Whereas, in December 2017, the City Council issued an Order pursuant to the Maine Dangerous Building statute directing the owners of these properties to take action to address the erosion problem and authorizing the City to do so should the owners not take appropriate action; and

Whereas, in January 2018, Franklin Property Trust, the owner of 795 Lisbon Street, filed suit in the Androscoggin County Superior Court, Docket No. AP-18-02, seeking relief from the December 2017 Council Order and making an independent claim against the City; and

Whereas, subsequently, the City expended about \$57,000 to address the problem; and

Whereas, earlier this year, the City reached an agreement with the owner of 805 Lisbon that reimbursed the City \$7,500 toward the project's cost; and

Whereas, the City has reached an agreement with Franklin Property Trust which provides that the owner will reimburse the City \$15,000 toward the project's cost and details certain obligations of the parties;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute an agreement with Franklin Property Trust, LLC regarding the December 2017 Council Order and the property at 795 Lisbon St., a copy of which is attached hereto.

SETTLEMENT AGREEMENT AND RELEASE

This agreement is by and between **FRANKLIN PROPERTY TRUST, LLC**, a Maine limited liability company, (“Franklin”) and the **CITY OF LEWISTON**, a Maine municipality in Androscoggin County, (“City” or “Lewiston”).

Agreed Upon Facts

- a) Franklin owns the property located at 795 Lisbon Street in Lewiston, Maine. (“795 Lisbon”).
- b) The City installed a 30” surface water drainage pipe and water outfall around 1970 in accordance with an unrecorded easement deed from the SKAM Company dated October 27, 1970, which was given pursuant to an August 24, 1970 easement deed from the Franklin Company to the SKAM Company recorded in the Androscoggin Registry of Deeds at Book 1024, Page 20 (“Easement”).
- c) On December 19, 2017, the Lewiston City Council issued an Order pursuant to the Maine Dangerous Building subchapter (especially 17 M.R.S. §2856) that related to 795 Lisbon and a parcel of land located at 805 Lisbon Street, Lewiston. (“City Order”).
- d) The City Order made findings of fact in paragraphs 21 – 30 related to existing erosion of a bank at 795 Lisbon and damage to surface water drainage pipes. (“Erosion Problem”).
- e) The City and Franklin agree that prompt action to address the Erosion Problem was necessary. The City promptly undertook reasonable steps, as described in paragraph 35 of the City Order (“City Repair Work”), to address the Erosion Problem and has mostly completed them.
- f) Through March 13, 2018, the City expended more than \$69,204 for the City Repair Work, including the contract for rip rap placement, fence rental, legal expenses attributable to Franklin, and miscellaneous related expenses.
- g) The City Order imposes potential financial liability on Franklin for the City Repair Work.
- h) Franklin disagrees with some of the statements and conclusions in the City Order and filed an appeal of the City Order, pursuant to Me. Rule of Civil Procedure 80B, and an independent claim for declaratory relief in the Androscoggin County Superior Court, Docket No. AP-18-02 (collectively the “Franklin Lawsuit”). The City has moved to dismiss the Franklin Lawsuit.

THEREFORE, the City and Franklin make the following agreements:

1) Franklin Payment: Franklin shall pay the City \$15,000 upon receipt of a version of this Agreement containing the original signature of the authorized representative of Lewiston designated below. (“Franklin Payment”).

2) Appeal Dismissed: Franklin shall dismiss the Franklin Lawsuit with prejudice upon receipt of a version of this Agreement containing the original signature of the authorized representative of Lewiston designated below.

3) City Release of Franklin: Upon Lewiston’s receipt of both the Franklin Payment and an executed Notice of Dismissal of the Franklin Lawsuit, the City shall release Franklin, its parents, subsidiaries, affiliates, predecessors, successors or assigns, members, managers, attorneys, agents or other representatives of and from any and all liability, except as provided by this agreement, resulting from the Erosion Problem, including, but not limited to, the City Order. Franklin shall not be bound by the Findings of Facts or the Conclusions of Law described in the City Order in any subsequent legal proceeding; provided, however, that Franklin agrees that it shall be bound by the Findings of Facts and the Conclusions of Law described in the City Order in any legal proceeding in which the City seeks to assess, enforce or recover a special tax on 795 Lisbon pursuant to section (4) of this Agreement, for the sole and exclusive purpose of allowing the City to cite the City Order as valid legal authority for the assessment of such a special tax.

4) Future Financial Responsibility. If, after the City signs this Agreement (the “Effective Date”), Franklin, its successors or assigns, and/or any other party holding legal title to 795 Lisbon provides to the City evidence establishing by clear and convincing evidence under Maine law that one or more employees or agents of the City were responsible for the actions described in paragraph 14 of the City Order, then the City shall pay \$15,000.00 to Franklin. If, after the Effective Date, the City provides to Franklin evidence establishing by clear and convincing evidence under Maine law that one or more employees or agents of Franklin or the Trustees of Franklin Property Trust were responsible for the actions described in paragraph 14 of the City Order, then Franklin shall pay \$48,844.24 to the City and agrees that the City may assess a special tax against 795 Lisbon as provided in paragraph 41 of the City Order, in the amount of \$48,844.24, notwithstanding the City’s partial release in section (3) of this Agreement. The provisions of this paragraph shall expire and shall be unenforceable beginning on the day that is five years from the Effective Date.

5) No admissions: Neither Franklin nor the City acknowledges any fault, responsibility or liability for the Erosion Problem by signing this Agreement.

6) Future Liability. The City understands and agrees that it is responsible, pursuant to the Easement, to “construct, maintain, repair and replace drainage pipes and structures [in the drain easement area]”, and that this requirement means that the City is responsible to ensure that its “drainage pipes and structures [in the drain easement area]” are adequate to handle water runoff without resulting in water runoff that causes significant erosion or similar damage to 795 Lisbon in the Easement area. In addition to Franklin’s rights arising under the Easement, if erosion of 795 Lisbon occurs in the Easement area, after the Effective Date, such that the City takes action pursuant to 17 M.R.S.A. § 2851 *et. seq.*, the City shall bear complete and sole

responsibility for, and shall indemnify Franklin from any and all costs and expenses necessary to remedy the condition giving rise to such action, unless the City can prove by a preponderance of the evidence that Franklin, its parents, subsidiaries, affiliates, predecessor, successors or assigns, members, managers, attorneys, agents or other representatives was or were responsible for any such erosion or similar damage. If the City determines that such erosion has occurred at 795 Lisbon, after the Effective Date, and that it is responsible to remedy such erosion pursuant to this Agreement, it shall provide written notice to Franklin, its successors or assigns that it will take action to remedy such erosion, and Franklin hereby consents to the reasonable use of its land by the City to take such action. Nothing in this paragraph shall be construed to limit the City's ability to pursue reimbursement from any third party.

SEEN AND AGREED TO:

Dated: _____

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

Dated: _____

Franklin Property Trust, LLC
By:
Its:

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT: Order, Authorizing the City Administrator to Execute a Memorandum of Understanding with Franklin Property Trust Resolving a Dispute Involving an Agreement with Franklin Property Trust Dated December 16, 2014.

INFORMATION: In December 2014, the City and Franklin Property Trust entered into an agreement involving a number of issues associated with property owned by FPT that was leased to the owners of certain buildings located on these properties. Among other issues, the agreement was intended to make it possible for building owners to acquire the land associated with their buildings from Franklin. Among the issues in dispute were a requirement imposed by FPT on certain building owners who purchased the associated land that FPT be authorized to repurchase the land within a ten year period and questions regarding the price at which FPT was willing to sell. The City and Franklin have reached an agreement to resolve these issues. FPT has agreed to release and discharge any buyback provision included in any sales that have been concluded to date and to not include the buyback provision in any sale offer made to owners prior to the effective date of this memorandum of agreement. In addition, the City, in light of the February 14, 2018 letter from Goulet & Associates, has agreed that the methodology used by FPT to set asking prices for its leased sites is reasonable.

The attached order will bring this mater to a conclusion.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA 13/16mm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order, Authorizing the City Administrator to Execute a Memorandum of Understanding with Franklin Property Trust Resolving a Dispute Involving an Agreement with Franklin Property Trust Dated December 16, 2014.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“Memorandum”), entered into on March 27, 2018 2018 (“Effective Date”), summarizes the terms with respect to the resolution of disputes between the City of Lewiston (the “City”) and Franklin Property Trust, LLC (“FT”), with regard to the agreement dated December 16, 2014 (the “Agreement”) between the City and FT:

1. As to any Owner, as that term is defined in the Agreement, who prior to the Effective Date of this Memorandum purchased a lot of land from FT pursuant to a deed containing a provision by which FT has the opportunity to re-purchase the lot within a specified timeframe (“buyback provision”), FT will release and discharge said buyback provision and execute and record all paperwork required to do so within three months following the execution of this Memorandum. Similarly, as to any Owner to whom FT had offered to sell an Owner’s Lot prior to the Effective Date, FT will not include a buyback provision in any future sale of such Owner’s Lot to such Owner.
2. In consideration of the foregoing, and in light of the February 14, 2018 letter from Goulet & Associates, Inc., a copy of which is incorporated herein as Exhibit A (“Goulet Letter”), finding that the ground rent capitalization methodology employed by FT in order to set asking prices for its rented sites is a reasonable methodology, the City covenants not to sue FT for any claim regarding the reasonableness of any offers of sale that have been made by FT to the Owners nor file a demand for arbitration relating to any such claim, *provided* that FT fulfills its obligation under paragraph (1) the above.
3. The City further agrees to provide a copy of this Memorandum and the Goulet Letter to the Owners who chose to participate in the dispute-resolution process outlined in the parties’ September 5, 2017 Term Sheet (the “Complainants”); to inform the Complainants why the City considers its dispute with FT resolved; and to notify the Complainants that it will no longer provide them with the services of the City Attorney in any lingering disputes they may have with FT over the terms of FT’s offer of sale.
4. This Memorandum permanently releases any and all claims of the Parties arising prior to the Effective Date in connection with (i) the sale, or offering for sale, by FT of any Owner’s Lot, as defined in the Agreement, and (ii) the claims made by FT prior to Effective Date regarding the City’s advocacy on behalf of the Complainants and information distributed to Owners of the Owner’s Lots.

FRANKLIN PROPERTY TRUST, LLC

CITY OF LEWISTON

By: _____
Print Name: Stanley Sclar
Title: Manager

By: _____
Print Name: Edward Barrett
Title: Administrator

February 14, 2018

City of Lewiston
27 Pine Street
Lewiston, Maine 04240
Attn: Mr. Denis D'Auteuil, Deputy City Administrator

Franklin Co, Inc.
65 East Ave
Lewiston, Maine 04240
Attn: Mr. Stanley Sclar, President

RE: Meeting with Franklin Co, Inc. and the City of Lewiston specific to acceptable valuation methodologies for residential ground leased properties held by Franklin Property Trust, LLC. Goulet File reference #2731.

Gentleman:

Pursuant to your request, I have prepared this letter summarizing our meeting on February 13, 2018. The purpose of the meeting was to discuss the reasonableness of the valuation methodology applied by Franklin Property Trust, LLC specific to several leased sites owned by Franklin Property Trust, LLC that contain leasehold residential structures that currently occupy the individual sites on a tenant at will basis.

A summary table of the lots discussed has been attached to this letter. Based on our meeting it is my understanding that:

Each of the sites was developed with leasehold residential structures on ground leased site areas. The ground leases have since expired with the current occupancy of the each of the sites representing a tenant at will. As such the marketability of the leasehold estates is greatly impacted. In short, the lion's share of the bundle of rights associated with the total property value as if in fee simple ownership has shifted to the fee owner of the land which naturally occurs when ground leases near the end of their terms. In the case of the Franklin Property Trust, LLC. sites, the ground leases have reportedly expired.

Savard Appraisal Company recently completed a market study which concluded that the floor of site rentals is in the range of \$300 to \$350/month. Historic rentals have been maintained at a level below this range. However given the current tenancy at will status of the sites, the site rentals could be raised in the short term to reflect market rent or even raised in excess of market rent given the tenuous position of each tenant's (building leaseholder's) interest in the property.

Franklin Property Trust, LLC's methodology for setting its offering prices was reportedly based on methodology in which asking prices were to reflect the otherwise modified capitalized value of net rental income for the individual sites. In short, the asking prices were intended to reflect the capitalized value of each individual site's rental stream amortized over a conventional loan term which would allow the tenant to own both land and buildings at the otherwise cost of the site's market rent.

As detailed in the attached summary table, several of the sites have sold near or at Franklin Property Trust, LLC's asking prices. It is noted that the site values exceed the value of otherwise undeveloped sites held in fee simple estates. This is due to the fact that the sites have a rental stream resulting from substantial improvements on them that would likely revert to the owner of the site should a building tenant elect to vacate and abandon its leasehold interest in the property improvements.

Based on my understanding of the facts as detailed above, it is my opinion that the ground rent capitalization methodology employed by Franklin Property Trust, LLC in order to set asking prices for its rented sites is a reasonable methodology.

This conclusion reflects my understanding of the facts as presented and summarized above. Significant variations from the aforementioned facts, may alter my conclusion. Please note that the appraiser has not opined to individual values, capitalization rates or rental levels. Therefore the appraiser's correspondence and scope of work was not conducted under the Uniform Standards of Professional Appraisal practice.

Respectfully submitted,



Marc E. Goulet, MAI, CMA
President, Goulet & Associates, Inc.

Market Rent											
Last Name	Address	OWN OR RENT	CURRENT RENT	Break Even Rent at 9 Cap.	Yearly rent	Yearly Land Taxes	Landlord Profit	9 cap	Franklin offer or purchase	Type of Unit	Sale Price & Date
Boulet	394 Lincoln St.	OWNER		483.5	5802	400.00	5,402.00	60,022.22	60,000.00	river view	Sold \$60,000 on 5/17
Burns	230 Lincoln St.	TENANT	210	310	3720	381.07	3,338.93	37,099.22	37,000.00	next to value comm prop	
Dewildt	12 Merton Blvd	TENANT	235	335	4020	414.70	3,605.30	40,058.89	40,000.00	landlord	
Dewildt	14 Merton Blvd	TENANT	205	333.33	3999.96	397.88	3,602.08	40,023.11	40,000.00	landlord	
Gagnon, J-P	27 Lincoln Drive	TENANT	230	373	4476	420.30	4,055.70	45,063.33	45,000.00		
Gendron, J	15 Sand Hill Road	OWNER		371.5	4458	400.00	4,058.00	45,088.89	45,000.00		Sold \$42,000 on 3/17
Labbe	7 Sand Hill Road	OWNER		349	4188	400.00	3,788.00	42,088.89	42,000.00		Sold \$41,000 on 8/17
Bernier	18 Merton Blvd	TENANT	230	346	4152	459.43	3,692.57	41,028.56	41,000.00		
Poisson	9 Sand Hill Road	TENANT	245	334	4008	400.00	3,608.00	40,088.89	40,000.00		
Poisson	11 Sand Hill Road	TENANT	225	357	4284	675.28	3,608.72	40,096.89	40,000.00		
Poissonnier	5 Lincoln Drive	OWNER		311	3732	400.00	3,332.00	37,022.22	37,000.00	3 unit house	Sold \$37,000 on 3/17
Poliquin	277 Lincoln Street	OWNER		371	4452	400.00	4,052.00	45,022.22	45,000.00	river	
Smith	21 Sand Hill Road	TENANT	230	383	4596	543.59	4,052.41	45,026.78	45,000.00		
Thibault	2 Sand Hill Road	OWNER		371	4452	400.00	4,052.00	45,022.22	45,000.00		Sold \$45,000 on 2/17
Tremblay	267 1/2 Lincoln Street	TENANT	250	377.5	4530	479.34	4,050.86	45,009.56	45,000.00	river/landlord	
Whittier	271 Lincoln Street	TENANT	250	384	4608	557.60	4,050.40	45,004.44	45,000.00	river	
Williams	3 Sand Hill Road	OWNER		334	4008	400.00	3,608.00	40,088.89	40,000.00		Sold \$40,000 on 6/17
Mathieu	440 Lincoln st	Rent	270	381	4572	521.17	4,050.83	45,009.22	45,000.00	river/landlord	Sold \$40,000 on 12/16
			2,580.00	6,504.83	78,057.96	8,050.16	70,007.80	777,864.44	777,000.00		

and boundaries for each lot to be made by FT in its reasonable judgment.

- C. The Plan shall be subject to the approval of the City, which shall not be unreasonably withheld or conditioned.
- D. Ownership of the Land that is not subdivided under the Plan into lots shall be retained by FT.
- E. Code Enforcement and the City Administrator will join in FT's application to the City Planning Board to approve the Plan.
- F. If the City's current Zoning Ordinance does not permit subdivision pursuant to the Plan, or if the Planning Board denies FT's application, Code Enforcement and the City Administrator will propose an amendment to the City's Zoning Ordinance to allow the subdivision, and will diligently pursue the adoption of such amendment.
- G. Within 3 months of the approval of the Plan, FT will begin offering the Owner of each primary structure the opportunity to buy the lot on the Plan on which his or her primary structure is located (the "Owner's Lot"). Offers by FT shall be upon such reasonable terms and conditions as FT may determine from time to time. FT shall hold any offer it makes open for acceptance by an Owner for not less than 15 days, or for such longer period as FT may determine in its sole discretion. FT may limit the number of property sales made each year so as to minimize its tax liability.
- H. If an Owner chooses not to purchase the Owner's Lot, FT shall retain ownership of the Owner's Lot. If FT has not sold the Owner's Lot, and the Building on such Lot requires demolition within four years of subdivision approval, the City and FT will each pay 50% of Demolition Costs with reimbursement due to the entity that paid for the demolition within 30 days of invoicing by the other party. For demolitions that occur more than four years after subdivision approval the costs shall be paid by the Building Owner or FT, if FT then retains ownership of the land upon which the Building is located, with no contribution from the City.
- I. All work to be performed in connection with the subdivision of the Land shall be done at FT's expense, with no contribution from the City.

III. Other Terms and Conditions

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

Amendments to the Traffic Schedule regarding parking prohibited on a portion of North Temple Street.

INFORMATION:

The Police Department and the School Department have been receiving complaints from residents along a portion of North Temple Street regarding the safety concerns during the times of student drop off and pick up at McMahan Elementary School.

The Police Department is recommending an amendment to the Traffic Schedule to prohibit parking on certain sections of North Temple Street to avoid these issues in the future. The recommendation is to prohibit parking from 8am - 4pm, Monday - Friday, September - June.

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 adopt the proposed amendments to the Traffic Schedule for a portion of North Temple Street prohibiting parking on the even side of the street, during the hours of 8am - 4pm, Monday through Friday during the months of September through June.



POLICE DEPARTMENT

Sgt. Derrick St. Laurent
Administration / Accreditation



DATE: April 23, 2018
TO: Traffic Schedule Review
FROM: Sgt. Derrick St. Laurent
Subject: Traffic Schedule Change – No Parking North Temple (between OGR-Ann St.)

Residents of North Temple St. have contacted Councilor Lajoie and requested that the even side of North Temple to be posted “No Parking” between Old Greene Rd. and Ann St. This request comes after several issues have arisen over the past several years.

The major issues are occurring during student drop-off and pick-up in front of McMahon Elementary School. Parents are parking in front of homes, sometimes on lawns, turning around in private driveways and many times are blocking private driveways. During the winter months, when snowbanks are present, parents are parking in the roadway preventing buses and other traffic from passing.

Add: North Temple St.
Traffic Section (Needs to be added)
-No Parking Monday-Friday, 8 am to 4 pm, September-June
On even side (Northwest Side) of North Temple Street from Ann Street to Old Greene Road.



If this amendment is approved, this would require Public Works Department to Add sign(s) and/or marking(s) designating the above change.

Respectfully Submitted,

Sgt. Derrick St. Laurent
Lewiston Police Department



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 MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 18

SUBJECT: Resolve, Authorizing the Organizers of the Build Maine Conference to Place a Mural on the Pine Street Side of the Centreville Parking Garage.

INFORMATION: The Build Maine Conference has been held annually in Lewiston for a number of years. Each year, the conference highlights certain urban design issues through installing a temporary or permanent urban design feature. This year, Build Maine is looking to select artists to paint two murals in Lewiston. One would be by a local artist painting on a privately owned building; the second by a regional artists doing a mural on the Centreville garage. The intent would be to provide examples to demonstrate how a community can approach using murals (private versus public property, supporting local artists or bringing outside artists to attract people to your city).

Build Maine is seeking permission to place a mural on the Pine Street side of the Centreville garage (see picture attached). If approval is granted, an artist will be sought to undertake the work.

Since the mural would appear on a City-owned structure, the City will retain control over approval of the content of the mural. The attached Resolve will approve the mural project and create a committee to review and approve the design. That Committee will be composed of Carl Sheline, representing Maple Way Dental, the owner of an adjacent property, Adilah Mohammed, Vice President of LA Arts, and Sheri Hollenbeck and Melanie Therrien from the Union of Maine Visual Artists along with the Mayor and Council Chair.

This was discussed at a recent workshop where the Council indicated its support. This resolve

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Authorizing the Organizers of the Build Maine Conference to Place a Mural on the Pine Street Side of the Centreville Parking Garage.



CITY OF LEWISTON, MAINE

May 1, 2018

COUNCIL RESOLVE

Resolve, Authorizing the Organizers of the Build Maine Conference to Place a Mural on the Pine Street Side of the Centreville Parking Garage.

Whereas, the organizers of the Build Maine Conference are looking to select artists to paint two murals in Lewiston, one on a privately owned building and the second on the Centreville garage; and

Whereas, the purpose of this is to provide examples demonstrating how a community can approach using murals (private versus public property, supporting local artists or bringing outside artists to attract people to your city); and

Whereas, Build Maine is seeking permission to place a mural on the Pine Street side of the Centreville garage; and

Whereas, since the mural would appear on a City-owned structure, the City will retain control over approval of the content of the mural;

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

The Build Maine Conference organizers are authorize to install a mural on the Pine Street side of the City's Centreville parking garage subject to approval of the mural's design by a committee composed of Carl Sheline, representing Maple Way Dental, the owner of an adjacent property, Adilah Mohammed, Vice President of LA Arts, and Sheri Hollenbeck and Melanie Therrien from the Union of Maine Visual Artists along with the Mayor and Council Chair.

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 19

SUBJECT: Award of Bid for Sale of 148 Bartlett Street.

INFORMATION: The City tax acquired this property after condemning and demolishing a building. The Planning Board then recommended that the property be sold by bid with a minimum price of \$33,240.50. Bids were accepted, but the minimum price was not reached. The property was subsequently rebid with a minimum price of \$10,500. Two bids have been received and are attached. Robert and Janet Springer have offered \$10,500 for the property with the intent to use it for parking in support of their two buildings (15 total units) located at 131 and 135 Horton Street. Pierce Place Associates has proposed a swap of land. They would transfer 82 Pierce Street to the City in return for 148 Bartlett. 82 Pierce is assessed for \$22,230 and partially abuts a second city-owned vacant lot located at 111 Bartlett Street, which is assessed at \$19,130. As part of its approval to replace units lost in a fire, Pierce Place was required to have the ability to add 20 additional parking spaces for their tenants should those spaces ever be needed. 82 Pierce was purchased for this purpose. It is currently not needed for parking, and Pierce Place would prefer using 148 Bartlett, which is located immediately across the street from their property. Their intention is to maintain the Bartlett property as open space until or if parking demand exceeds other available space.

Attached please find a memo from Lincoln Jeffers, a map showing the various properties that are involved, the bids submitted by both parties, and the bid specifications issued by the City.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator is reserving comments until the meeting.

EAB/klmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To award the bid for the sale of 148 Bartlett Street.

Economic and Community Development

Lincoln Jeffers

Director

Lewiston



2007



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Disposition of 148 Bartlett
Date: April 25, 2018

The City solicited proposals for the acquisition of 148 Bartlett Street, with a minimum bid of \$10,000. The city acquired the property through tax lien foreclosure. Two proposals were received and are summarized below. The City Council is asked to decide upon which proposal they wish to move forward with.

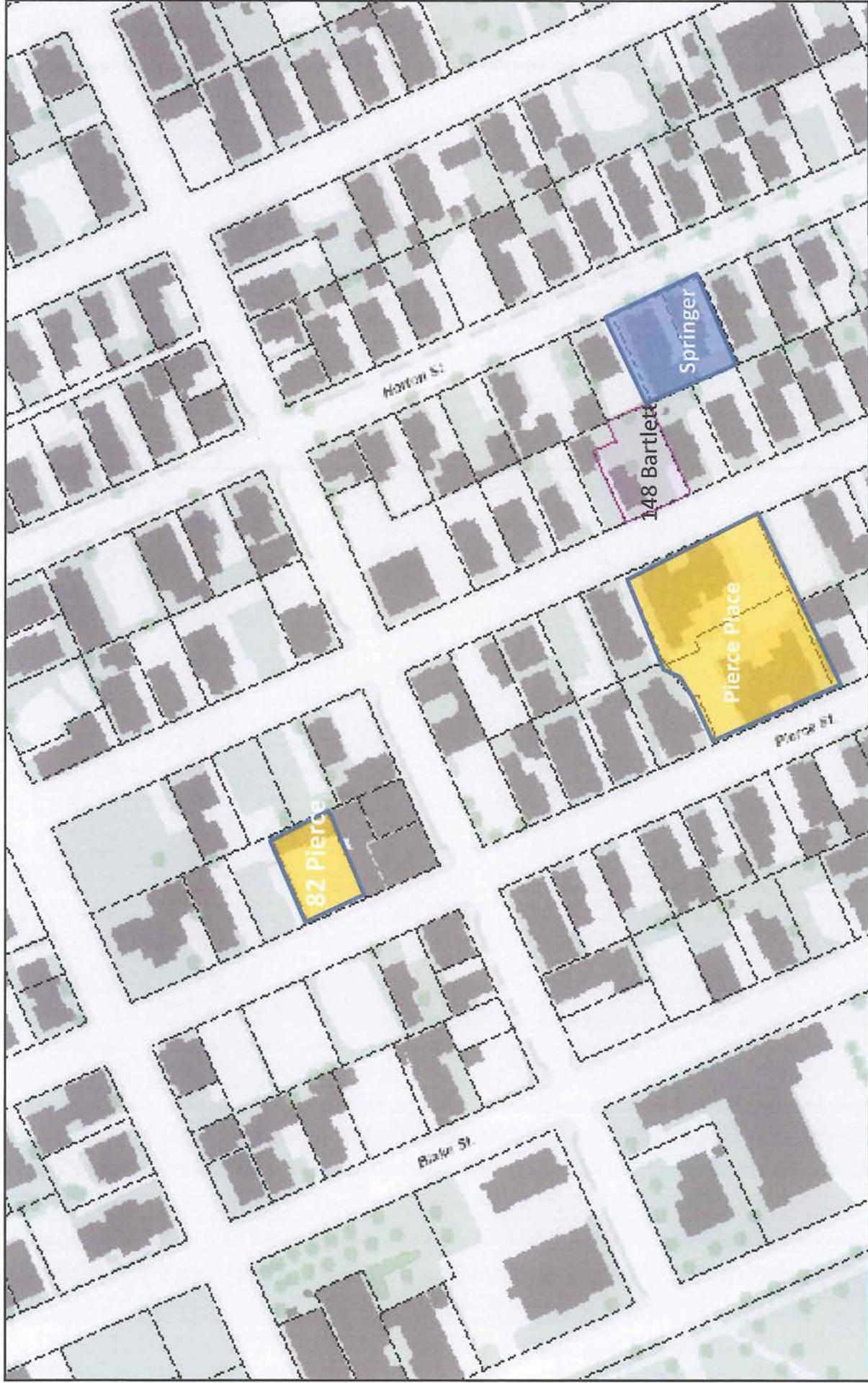
Springer Proposal: Robert and Janet Springer own a 12-unit building at 131 Horton Street, and a 3-unit building at 135 Horton Street. These buildings are located on the other side of the block. The NW corner of 131 Horton touches the SE corner of 148 Bartlett. They have offered \$10,500 for the parcel. They intend to use it to provide parking for their Horton Street properties.

Pierce Place Proposal: Pierce Place Associates was the developer of Pierce Place, a 29 unit affordable housing project that was built to replace 29 units of HUD project based affordable housing that were lost in the 2013 arson fires. As part of their development review approval they were required to purchase 82 Pierce Street to make sure they had enough land to meet the Lewiston zoning ordinance code requirements for parking. They were able to build 38 spaces on site or near the housing project. They did not build parking on 82 Pierce Street, but needed to control land to fully build out their parking requirement if the project required it.

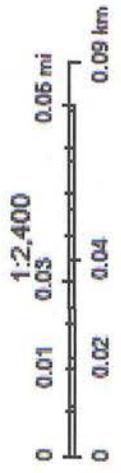
A recent day long parking utilization study at Pierce Place found a maximum of 16 cars parked in the lot during the course of the study. Fourteen parking passes have been issued for the 29 occupied units.

Pierce Place Associates proposed exchanging 82 Pierce Street for 148 Bartlett. The Assessed Value of 82 Pierce is \$22,230 and it is 6,500 s.f. in size. The Assessed Value of 148 Bartlett is \$18,960 and the parcel is slightly larger at 8,600 s.f.; however, the configuration of the lot somewhat reduces its functionality for parking. If Pierce Place Associates acquires 148 Bartlett they intend to use it for open space and recreation for their tenants until such time as it may be required for parking. Interim uses could include a playground or community garden. Should the Council support the Pierce Place proposal, the City should require that they verify the lot can provide the required 20 spaces.

City of Lewiston



April 25, 2018



Lewiston, Maine. Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NOAA, Esri Japan, METI, Esri China (Hong Kong), Esri City of Lewiston
City of Lewiston

CITY OF LEWISTON, MAINE
SALE OF PROPERTY @ 148 Bartlett Street
Bid #: 2018-033

PROPOSAL DUE DATE: Thursday, April 5, 2018 by 3:00 PM

PROPOSAL FORM

TO: Allen Ward, Purchasing Agent
 City of Lewiston
 City Hall, 27 Pine Street
 Lewiston ME 04240

The undersigned hereby declares that he/she has carefully examined the proposed Sale and Reuse of City Owned land items and that he/she proposes and agrees, if the proposal is accepted, to complete the transaction on the item(s) proposed.

Property Location	Amount Proposed
148 Bartlett Street	\$ 10,500

Bid Deposit Amount: \$ 1,050 (minimum 10% of the total amount of bid) include appropriate **Certified Check, Cashier's Check or Bond** (personal or business checks **will not be accepted**). Sign the proposal form in ink before returning it to the Purchasing Agent. Please return in a clearly marked sealed envelope with Bid Name and Number on the front.

NOTE: \$10,000 Minimum bid has been set by the City.

The City Council reserves the right to accept or reject any and all proposals.

NAME	Robert & Janet Springer
SIGNATURE	<i>Janet M. Springer</i>
PRINTED/TYPED NAME	Janet M. Springer & Robert W. Springer
TITLE	—
LEGAL ADDRESS	37 Osceola Trail Road Buxton, ME 04093
MAILING ADDRESS	SAME as above
DATE	3-30-18
TELEPHONE #	207-831-8919
FAX #	—
E-MAIL ADDRESS	ja7springer@hotmail.com

Pierce Place Associates LP
1180 Lisbon Street P.O. Box 11
Lewiston, ME 04240

April 4, 2018

Mr. Allan Ward
Purchasing Agent
City of Lewiston
City Hall, 27 Pine Street
Lewiston, ME 04240

Re: Sale & Reuse of Property at 148 Bartlett Street

Dear Mr. Ward:

This proposal for 148 Bartlett Street proposes that the payment be in the form of a trade or land swap. Pierce Places Associates hereby proposes to trade its property at 82 Pierce Street, Map 195/Lot 508, for the City's property being offered at 148 Bartlett Street. The current valuation of 82 Pierce Street is \$22,230.

Please find enclosed a proposal deposit in the amount of \$2,223.00. This deposit is intended to show the serious good faith intent of our proposal. Since the proposed payment is in the form of a land swap, we would expect that our deposit would be returned if our proposal is accepted and the land swap goes forward.

This proposal is contingent on the City's ability to provide title acceptable to our attorney, as well as verification of the property's ability to support the 20 parking spaces specified in our Planning Board approval.

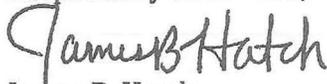
Pierce Place Associates, LP is the owner of the recently completed housing project that includes 147 and 149 Bartlett Street, directly across the street from the subject property. As part of the Planning Board approval for this project, Pierce Place Associates was required to show that it had land available to construct parking for an additional 20 parking spaces should the need for additional parking arise. To meet this need Pierce Place Associates purchased the vacant property at 82 Pierce Street. A recent parking study showed that this additional parking is not required at this time, but the zoning ordinance requires that we keep the property available in the event the need arises in the future.

Pierce Place Associates proposes to use the property at 148 Bartlett Street as parking reserve for its housing project, and until such time as it may be needed for that purpose to use it for open space and recreation to benefit

both the residents of Pierce Place and the neighborhood. Possible interim uses might include a playground or community gardens. This property directly across the street will be much easier for our property manager to maintain and manage and will be much more likely to be used by our residents.

The legal name of the proposed purchaser is Pierce Place Associates LP, a Maine limited partnership. We have read and understand all the conditions concerning the reuse of the site, as outlined in the invitation for proposals and this proposal is made in accordance with the invitation. We hereby agree that that no person acting for or employed by the City of Lewiston has a direct or indirect financial interest in this proposal or in any portion of the profits which may be derived therefrom.

Respectfully submitted,

A handwritten signature in black ink that reads "James B. Hatch". The signature is written in a cursive style with a large initial "J".

James B. Hatch
President, Hatch & Jennings, Inc.
Authorized Agent

CITY OF LEWISTON, MAINE
SALE OF PROPERTY @ 148 Bartlett Street
Bid #: 2018-033
PROPOSAL DUE DATE: Thursday, April 5, 2018 by 3:00 PM

PROPOSAL FORM

TO: Allen Ward, Purchasing Agent
 City of Lewiston
 City Hall, 27 Pine Street
 Lewiston ME 04240

The undersigned hereby declares that he/she has carefully examined the proposed Sale and Reuse of City Owned land items and that he/she proposes and agrees, if the proposal is accepted, to complete the transaction on the item(s) proposed.

Property Location	Amount Proposed
148 Bartlett Street	\$ land swap for 82 Pierce St. 195/500 valued at \$22,230

Bid Deposit Amount: \$ 2,223.00 (minimum 10% of the total amount of bid) include appropriate Certified Check, Cashier's Check or Bond (personal or business checks will not be accepted). Sign the proposal form in ink before returning it to the Purchasing Agent. Please return in a clearly marked sealed envelope with Bid Name and Number on the front.

NOTE: \$10,000 Minimum bid has been set by the City.

The City Council reserves the right to accept or reject any and all proposals.

NAME	Pierce Place Associates LP
SIGNATURE	James B Hatch
PRINTED/TYPED NAME	James B Hatch
TITLE	President, Hatch & Jennings, Inc, Authorized Agent
LEGAL ADDRESS	1180 Lisbon Street, Box 11 Lewiston, ME 04240
MAILING ADDRESS	same
DATE	April 4, 2018
TELEPHONE #	207-756-5763
FAX #	207-563-7058
E-MAIL ADDRESS	jimbhatch212@gmail.com

City of Lewiston



April 11, 2018

polygonLayer

Override 1
parcels

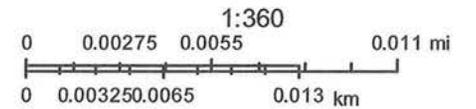
City Limits

sde.DBO.LEW_parcel_lines

Mobile Home Lot

Parcel Line

Proposed



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



**City of Lewiston
Finance Department**

Allen Ward, Purchasing Agent
27 Pine Street, Lewiston ME
207-513-3040

2018-033
Sale and Reuse of 148 Bartlett Street
March 23, 2018

Sir/Madam:

Sealed proposals will be received in the office of the Purchasing Agent on **Thursday, April 5, 2018** until 3:00 p.m. for the Sale of **148 Bartlett Street** currently owned by the City of Lewiston.

The Lewiston City Council reserves the right to accept or reject any and all proposals.

Please use a clearly marked envelope with "Sale and Reuse of Property at 148 Bartlett Street" when submitting your proposal.

Only sealed proposals will be accepted. Faxed proposals will not be considered.

Sincerely,

Allen Ward
Purchasing Agent

CITY OF LEWISTON, MAINE

Sale and Reuse of Property at 148 Bartlett Street

Bid #: 2018-033

PROPOSAL DUE DATE: Thursday, April 5, 2018 until 3:00 p.m.

This is an invitation for proposals to purchase property at 148 Bartlett Street owned by the City of Lewiston. The property is being offered for sale by the City Council.

Background:

The City recently took possession of the property at 148 Bartlett Street. The property consists of approximately .16 acres and is located in the DR (Downtown Residential District). The Assessor has assigned a current value of \$18,960 (Land only).

SECTION I: GENERAL INSTRUCTIONS

- 1.1 A complete written purchase proposal shall be submitted to the City of Lewiston, attention of the Purchasing Agent, City Hall, 27 Pine Street, Lewiston, Maine 04240, not later than **3:00 p.m. on Thursday April 5, 2018**. Proposals received after that time and date shall not be accepted.
- 1.2 The City of Lewiston City Council will review and award or reject proposals within sixty (60) days of their submission.
- 1.3 The City has established a \$10,000 minimum bid.
- 1.4 Each proposal submitted shall be accompanied by a **certified check, cashier's check or bond** made payable to the City of Lewiston in the amount of **ten (10%) percent** of the total amount offered. The required proposal deposit shall be applied to the purchase price for the successful proposal or shall be returned within ten (10) days of the selection of a proposal. If any proposer fails to abide by his/her proposal, the bid security shall be forfeited to the City.
- 1.5 Each proposal shall include the legal name of the prospective purchaser and a statement whether the prospective purchaser is a sole proprietor, a partnership, or a corporation. If a corporation, the corporation shall also give the state of incorporation and have a corporate seal affixed.
- 1.6 Each proposal shall be signed by the person or persons legally authorized to bind the prospective purchaser to a contract.
- 1.7 The prospective purchaser, in his/her proposal, shall signify that he/she has read and understands all conditions concerning the reuse of the site, as outlined in this invitation for proposals and that his/her proposal is made in accordance with the invitation.
- 1.8 The prospective purchasers, in submitting the proposal, shall agree and so state in the proposal that no person acting for or employed by the City of Lewiston has a direct or indirect financial interest in the proposal or in any portion of the profits which may be derived therefrom.

- 1.9 No prospective purchaser will be permitted to withdraw a proposal for a period of thirty (30) days after the time and date set forth in 1.1 above. All proposals will remain valid and binding for that period of time.
- 1.10 For questions regarding proposal requirements contact Allen Ward, Purchasing Agent at Telephone: (207) 513-3040; Fax (207) 784-2959; or e-mail award@lewistonmaine.gov.
- 1.11 The City of Lewiston reserves the right to select a proposal and sell the subject property based upon its determination of the highest and best use of the property. **The City Council reserves the right to refuse any and all proposals.**

SECTION II: INFORMATION FOR DEVELOPERS

- 2.1 The parcel being offered for sale is described as follows:

Property:	148 Bartlett Street
Approximate Acreage	.16 acres
Map/Lot	196-134
Zoning	DR (Downtown Residential District)
Minimum Bid	\$10,000
- 2.2 The proposed reuse for the subject property will be a consideration in judging what the City deems to be the most acceptable proposal.
- 2.3 Closing on all sales transactions will be within 90 days of award unless otherwise requested and approved by the City prior to award of bid.
- 2.4 If prospective purchasers require additional contact:

Allen Ward, Purchasing Agent
City Hall, 27 Pine Street
Lewiston, Maine 04240
Tel. #: 207-513-3040
Fax #: 207-784-2959
e-mail: award@lewistonmaine.gov

Questions will be answered or confirmed in writing. Proposers should not rely on any statements, oral or written, which are not made as an addendum to this "Request for Proposals".

SECTION III: CONTENTS OF THE PROPOSAL

- 3.1 Prospective purchasers must expressly indicate in their proposal, both generally and specifically, that they will comply with, meet or exceed all applicable controls, conditions or objectives established within the Request for Proposals.
- 3.2 The proposal shall contain the price being offered for the purchase of this property.

SECTION IV: NEGOTIATION AND EXECUTION OF CONTRACT

- 4.1 Negotiation is intended to result in a contract for the sale and subsequent reuse of the site deemed to be most beneficial to the public and in the best interest of the City.
- 4.2 The contract for the sale of this site will be executed only after final approval by the Lewiston City Council.
- 4.3 **At closing, the City will deliver a Municipal Release Deed with conditions, if applicable,** which will cover negotiated requirements.

SECTION V: RESERVATION OF RIGHTS

- 5.1 The City reserves the right to waive or disregard any informality, irregularity or deficiency in any proposal received.
- 5.2 The City reserves the right to accept or reject any or all proposals received.

CITY OF LEWISTON, MAINE
SALE OF PROPERTY @ 148 Bartlett Street
Bid #: 2018-033

PROPOSAL DUE DATE: Thursday, April 5, 2018 by 3:00 PM

PROPOSAL FORM

TO: Allen Ward, Purchasing Agent
City of Lewiston
City Hall, 27 Pine Street
Lewiston ME 04240

The undersigned hereby declares that he/she has carefully examined the proposed Sale and Reuse of City Owned land items and that he/she proposes and agrees, if the proposal is accepted, to complete the transaction on the item(s) proposed.

Property Location	Amount Proposed
148 Bartlett Street	\$

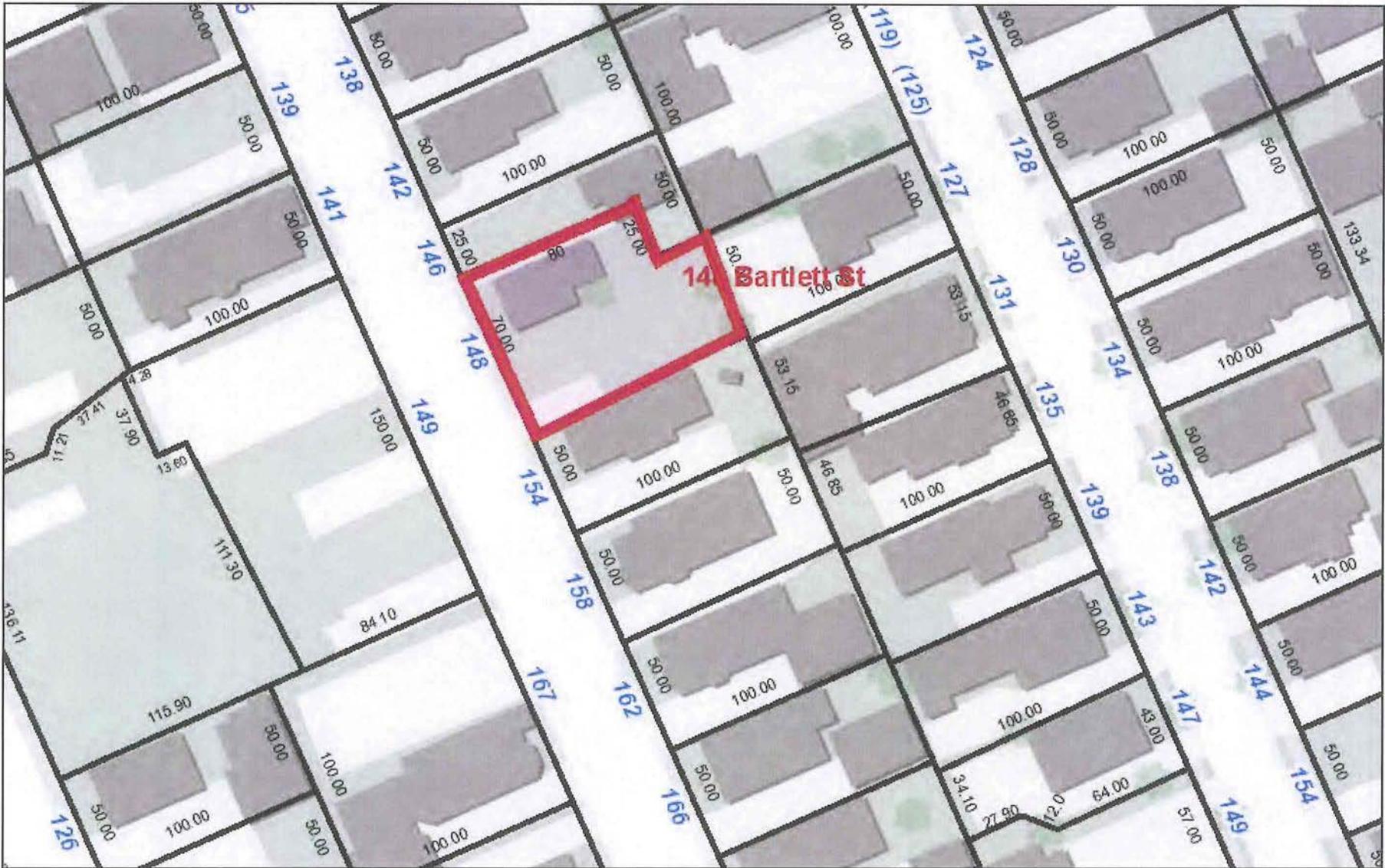
Bid Deposit Amount: \$ _____ (minimum 10% of the total amount of bid) include appropriate **Certified Check, Cashier's Check or Bond** (personal or business checks **will not be accepted**). Sign the proposal form in ink before returning it to the Purchasing Agent. Please return in a clearly marked sealed envelope with Bid Name and Number on the front.

NOTE: \$10,000 Minimum bid has been set by the City.

The City Council reserves the right to accept or reject any and all proposals.

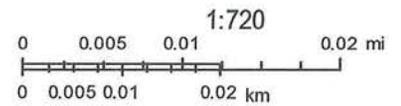
NAME	
SIGNATURE	
PRINTED/TYPED NAME	
TITLE	
LEGAL ADDRESS	
MAILING ADDRESS	
DATE	
TELEPHONE #	
FAX #	
E-MAIL ADDRESS	

City of Lewiston



February 1, 2018

polygonLayer **AdvancedDrawPolyline** **sde.DBO.LEW_parcel_lines** **—** **Proposed**
 Override 1 Override 1 Mobile Home Lot
 parcels City Limits Parcel Line



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

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 20

SUBJECT:

Continuation of Request for Abatement of Property Taxes for application submitted under Title 36, section 841 (2) to the May 15, 2018 City Council meeting.

INFORMATION:

During the April 3, 2018 City Council meeting, the Council voted to continue action on this item to the May 1 meeting. Due to scheduling conflicts, it has been requested to postpone this item to the May 15 Council meeting. Staff is in support of this request.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator supports the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To continue action on this item to the May 15, 2018 City Council meeting.

LEWISTON CITY COUNCIL
MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 23

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Entering into executive session is permitted and defined under Maine State Statutes.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, Section 405(6)(A) to discuss a personnel matter.

LEWISTON CITY COUNCIL

MEETING OF MAY 1, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 24

SUBJECT:

Executive Session to discuss labor negotiations regarding the Maine Association of Police - Patrol Unit and the Lewiston Police Supervisory Command Unit.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the Maine Association of Police - Patrol Unit and the Lewiston Police Supervisory Command Unit.