

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
MAY 15, 2018**

**6:00 p.m. Workshop** – Possible Rental Registration Program

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

Pledge of Allegiance to the Flag

Presentation of the Lewiston Fire Association Scholarship to a local graduating high school senior

Presentation for a Sponsorship Donation to the Lewiston Youth Advisory Council from the Lewiston Fire Association

Lewiston Youth Advisory Council Update

Acceptance of the minutes of the May 1, 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 3.

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

- \* 1. Authorization to accept transfer of forfeiture funds.
- \* 2. Adoption of City Council meeting schedule for the months of July and August.

**REGULAR BUSINESS:**

3. Public Hearing for approval of outdoor concerts sponsored by L/A Arts at Dufresne Plaza and Kennedy Park.
4. Public Hearing for approval of outdoor concerts in conjunction with the Great Falls Brewfest at Simard Payne Park.
5. Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park.
6. Public Hearing for approval of an Outdoor Entertainment Permit for the Pride LA Festival Celebration
7. Public Hearing on a new application for a new liquor license for The Pub at Baxter Brewing, 160 Mill Street.
8. Public Hearing and Final Passage regarding an amendment to the Fire Prevention and Protection ordinance.
9. Public Hearing and Adoption of the FY2019 Lewiston Capital Improvement Program Bond Issue Order.
10. Resolve, Indicating the Support of the Lewiston City Council for an 800Mhz Replacement Radio System for LA911.
11. Order Authorizing the City Administrator to Take the Necessary Steps to Sell the City-Owned Properties at 12 Anger Street, 91 Crowley Road, 12 Jack Court, 147 Sabattus Street.

12. Resolve, Authorizing the City Administrator to Enter into a Fence Agreement with Mill 6 Development Co. LLC.
13. Resolve, Authorizing the \$59,000 Recently Appropriate from Fund Balance for the Local Share of the Maine DOT East Ave. Project to be Reallocated to the Local Share of the Maine DOT Project to Resurface Crowley Road (South Lisbon Rd to Town Line).
14. Executive Session to review application submitted under Title 36, section 841(2).
15. Request for Abatement of Property Taxes for application submitted under Title 36, section 841 (2).
16. Reports and Updates.
17. Any other City Business Councilors or others may have relating to Lewiston City Government.
  - A. Presentation on Ranked Choice Voting

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
TUESDAY, May 15, 2018  
6:00 PM

1. Possible Rental Registration Program -- 50 minutes.

The City's recently adopted comprehensive plan recommended that a Rental Registration Program be enacted that would allow Code Enforcement to maintain up to date information on multi-family rental properties and inspect such properties on a regular schedule. The Lewiston Region Public Health Committee has been working with Planning and Code Enforcement staff to develop such a program for Council consideration. The intent of this initial workshop is to review the potential framework for such a program with the City Council and determine if there is interest in moving forward to more formal consideration of an ordinance enacting such a program. Please see the attached information from Gil Arsenault, Director of Planning and Code.

## MEMORANDUM

TO: Mayor Shane Bouchard  
Members of the City Council  
FR: Gildace J. Arsenault, Director of Planning and Code Enforcement  
RE: Rental Registration  
DT: May 7, 2018

Attached please find a copy of a proposed draft rental registration ordinance along with an excerpt from Legacy Lewiston that contains a goal for the implementation of a rental registration program for multifamily structures.

As you may be aware, the Lewiston Area Public Health Committee (LAPHC) established a subcommittee to pursue a rental registration ordinance and, to this end, Code Enforcement Officer Nick Richard and I worked with that subcommittee. A draft rental registration ordinance was developed by Nick and, on April 10, 2018, David Hediger, Nick, and I met with LAPHC to discuss rental registration. This draft ordinance will need more work as we further refine our approach to rental registration and, at some point if it is the wish of the City Council to formally consider adopting a program, it will need legal review by the City Attorney. In addition, a protocol will need to be developed for the administration of rental registration.

The first question you may ask is, what is rental registration as identified as a goal in Legacy Lewiston? The comp plan does not define rental registration; however, given my history in working on the comp plan, it is my understanding that rental registration was recommended as a mechanism to expand property maintenance and life safety inspection services associated with multifamily dwelling units and to generate revenue to help pay for it. It may also have value in providing information on an annual basis such as emergency contact information for owners and managers of registered rental housing. Registration requirements could also require data on the total numbers of dwelling units rented at the time of registration, number of vacancies at the time of registration, units not available for occupancy at the time of registration but which will be available in the near future, bedroom counts, rental rates, etc. This information could be very

helpful for the City in that we do not have good data regarding rental and vacancy rates at this time.

If the Council chooses to enact a rental registration ordinance, then it may consider registration being required for multifamily structures containing three or more dwelling units and for any rental dwelling units contained in mixed use structures. This would result in approximately 7,119 dwelling units in 1,102 individual buildings. We are not recommending registration for one and two-family dwellings.

Legacy Lewiston suggests a registration fee of \$10 to \$25; however, given the anticipated labor intensive nature of annual registration along with the cost to provide additional staff, fees in that range would be insufficient to take housing inspection services to the desired level where all registered units would be inspected every three to four years. If the Council chooses to initiate a rental registration program, it may wish to consider an annual registration fee of \$36.00 per dwelling unit per year with increased fees charged for late registrations. A \$36 per unit registration fee should result in a revenue stream of approximately \$256,284.

Currently, we have four (4) code enforcement officers (CEO's). One is a sanitarian/CEO engaged in food service and other licensing functions along with being the lead CEO addressing solid waste (primarily curb side solid waste). The other three (3) CEO's wear many hats; however, the majority of their time is spent on enforcing the provisions of the International Property Maintenance Code (IPMC), much of which involves addressing downtown housing.

I have not prepared a detailed budget at this time; however, if annual revenues are projected at \$256,284, the following is what the Council may wish to consider:

Eliminate the use of Community Development Block Grant (CDBG) funding for the cost of the one code enforcement officer position now funded by CDBG at a total cost of \$68,274 allowing those CDBG funds to be used for housing rehabilitation, lead abatement, etc. This CDBG funded position would then be funded via rental registration fees.

Create a CEO/housing manager/inspector position at a total cost of approximately \$80,000. The creation of this position should free up some of time of the Director of Planning and Code Enforcement, which will permit the director to expend more time on planning initiatives, an area that is significantly understaffed.

Create a CEO position at a total cost of approximately \$74,000.

The Department of Planning and Code Enforcement currently has a full time administrative assistant and a half-time administrative assistant. Funding could be used to employ two full time administrative assistants at an added cost of approximately \$30,500. Two full time administrative assistants could provide invaluable assistance to the CEO's resulting in greater inspection activity.

The above expenditures for added staff services would result in a balance of approximately \$3,510 that could be used for supplies, etc.

The proposed roll-out of this initiative could move forward as follows:

Initial City Council workshop on rental registration on May 15th.

If the Council wishes to pursue rental registration, staff will make any final changes that may be warranted to the draft ordinance and will request a legal review by the City Attorney.

Once the legal review has been undertaken and any legal recommendations are incorporated, staff will begin developing policies and procedures that will be essential in administering rental registration. I recommend that the Council should then conduct a second workshop, likely in September, prior to scheduling a first reading on rental registration that could occur on or about October 2<sup>nd</sup>.

Thank you.

## **Article XVII. Rental Registration**

Sec. 22-460. Purpose.

Sec. 22-461. Applicability.

Sec. 22-462. Definitions.

Sec. 22-463. Registration required.

Sec. 22-464. Application requirements for mixed-use structure or multifamily dwelling.

Sec. 22-465. Fees.

Sec. 22-466. Administration.

Sec. 22-467. Conflict with other ordinances.

Sec. 22-468. Severability.

Sec. 22-469. Inspection of rental units.

Sec. 22-470. Penalty for violation of article.

Secs. 22-471--22-479. Reserved.

## **Article XVII. Rental Registration**

### **Sec. 22-460. Purpose and intent.**

The purpose of this chapter is to protect the health, safety, and general welfare of the people of the City of Lewiston, hereafter referred to as the "City", by recognizing that the provision of rental housing is a business, classifying and regulating such as a rental housing business, establishing a permanent mode of protecting and regulating the living conditions and life safety of residents of the City who rent dwellings, require the disclosure of the ownership of such property, to make owners and persons responsible for the maintenance of property more accessible and accountable with respect to the premises, and to provide a means for imposing registration fees separate from property taxes to help the City defray the cost necessary for housing inspections, enforcement of these regulations, and to ensure that the information relating to rental properties is available online. Further, the purpose of this chapter is to:

Correct and prevent conditions that adversely affect the life, safety, welfare and health of occupants of rental housing.

Preserve the value of land and buildings throughout the City.

Ensure that safe housing is provided to citizens of all income levels.

Work towards increasing property and building values to reinforce positive neighborhood identities.

Eliminate substandard and deteriorating rental housing.

Enforce standards for the maintenance of existing residential buildings to prevent blighting conditions.

It is not the intent of the City to intrude upon the contractual relationship between tenant and landlord. The City does not intend to intervene as an advocate of either party, or to act as an arbiter, or to be

receptive to the complaints from a tenant or landlord not specifically and clearly relevant to the provisions of this article. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal rights as are available to them without the intervention of the City.

**Sec. 22-461. Applicability.**

This article shall apply to any mixed-use structure or multifamily dwelling located within the City of Lewiston.

**Sec. 22-462. Definitions.**

For purposes of this article, the following definitions shall apply unless the content clearly implies otherwise:

*Department* means the Planning and Code Enforcement Department.

*Dwelling unit* means a room or group of rooms, containing at least three hundred (300) square feet of living area, designed and equipped exclusively for use as living quarters for one (1) family, including provisions for living, sleeping, cooking, and eating. The term shall not include hotel or motel rooms or suites, rooming house rooms, or similar accommodations.

*Mixed-use structure* means a building containing one (1) or more dwelling units and nonresidential space. Said nonresidential space must be permitted in the underlying zoning district.

*Multifamily dwelling* means a building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units and which is not a single-family attached dwelling.

**Sec. 22-463. Registration required.**

In accordance with this chapter, it shall be unlawful to permit occupancy of any mixed-use structure or multifamily dwelling within the City of Lewiston, in whole or in part without the building first being registered. The registration shall be valid for one (1) year beginning July 1 and ending the following June 30.

**Sec. 22-464. Application requirements for mixed-use structure or multifamily dwelling.**

This section governs the application requirements for a mixed-use structure or a multifamily dwelling. All applications for registrations under this article shall be filed with, and in a form satisfactory, to the Department. Such application shall include, but is not limited to the following:

- (1) Applications must be submitted for each mixed-use structure containing at least one (1) residence and for each multifamily dwelling.
- (2) Applications must be submitted by July 1 of every year. If applications are submitted after July 1 the fee shall be increased as outlined in the schedule of fees established by the Lewiston City Council. There shall be a grace period in the year 2018 of three (3) months to submit applications by no later than October 1, 2018 without penalty; thereafter, the fee shall be increased as outlined in the schedule of fees established by the Lewiston City Council.
- (3) Name, address, date of birth and contact information, including a phone number of the owner and/or principals and all other entities and/or persons having a legal interest in the property and the individual(s) hired by the owner to manage these operations, if any.
- (4) Back-up emergency contact information in cases where owner or manager cannot be reached.

- (5) The location of the premises for which registration is sought identified by city tax map number and street address and a copy of the property deed.
- (6) The following information regarding the structure to be registered:
  - (a) Number of dwelling units by floor and bedroom count.
  - (b) Number of units occupied at time of application submittal.
  - (c) Number of vacant units that are available for occupancy, which satisfy codes.
  - (d) Number of vacant units that will be available for occupancy during the coming year.
- (7) A nonrefundable application fee.
- (8) If property is transferred to a new owner, the new owner shall, within thirty (30) days, apply for a registration, for which the fee shall be waived.

**Sec. 22-465. Fees.**

- (a) Payment of fees. Registration shall not be issued until the fees prescribed by the Lewiston City Council have been paid.
- (b) Schedule of fees. A fee for each registration shall be paid as required in accordance with the schedule as established by the Lewiston City Council.

**Sec. 22-466. Administration.**

Rental registration applications shall be filed and reviewed by the Department to determine if the application is complete and if the property has no outstanding debts or liens levied against it, then the registration shall be granted. If the application is not deemed complete, or has outstanding debts or liens levied against it the registration shall be denied by the city clerk.

**Sec. 22-467. Conflict with other ordinances.**

Whenever the regulations of this Code conflict with those of another ordinance, the stricter shall apply.

**Sec. 22-468. Severability.**

- (a) If any provision of this Code is declared invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to that provision of this Code directly involved in the controversy which gave rise to the judgment and shall not affect or impair the validity of any other provision of this Code.
- (b) Nothing in this Code shall be construed to affect any suit or proceeding now pending in any court or any rights arising prior to its enactment pursuant to provisions of law then in effect.

**Sec. 22-469. Inspection of rental units.**

The Department along with the Lewiston Fire Department and any other agent authorized by the Department shall conduct inspections of residential units registered under this article in an organized manner, on an as needed basis, or in conjunction with their normal course of work. If the unit(s) is found to be deficient or does not meet the requirements of the applicable codes as adopted, a Notice of Violation shall be issued in accordance with the applicable codes.

**Sec. 22-470. Penalty for violation of article.**

Any person or entity that shall violate a provision of this article or shall fail to comply with any of the requirements thereof 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 department 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.

**Secs. 22-471—22-479 Reserved.**

and not lasting. The most distressed buildings are generally occupied by tenants that may not have the resources to afford better-quality rents. Rental rates are so low that the income stream is such that substantial improvements are difficult, if not, impossible, to achieve resulting in actions that may not add any real value to the buildings. In addition, costs such as heating, water and sewer, solid waste, pest control, rent collection, etc. complicate the matter. The City recognizes the financial hardship on many landlords as the margins are very tight in the downtown. The City's current policy related to fines is not to be punitive, but to have properties brought into compliance. Staff often decides whether or not to waive the fine, depending on circumstances. A firm but balanced approach is needed by the City, landlords, and tenants to reduce costs so that the landlords can focus resources in their buildings versus paying penalties or abandoning their buildings. However, the City must continue to take action if a landlord is not in compliance. If fines are not paid and violations continue, the City must continue and expand upon the legal options available. Liens should also be placed on offending properties. *Lis pendens* may also be filed; however, Maine law does not allow a *lis pendens* to have the status of a tax lien. Fines should be used to fund the increased staff time needed for code enforcement, managing the transfer of properties to new committed owners, and providing support for local affordable housing initiatives overseen by the City.



Make enforcement of existing regulations a priority. Strictly enforce fines and penalties for landlords and building owners.



Planning & Code Enforcement  
Fire Department



Hire additional code enforcement and planning staff.



City Council

## Implement Vacancy Licensing

Vacancy licensing is a strategy to consider for reducing the problems of vandalism which lessen the opportunity for renovations and reoccupancy of buildings. If a property is vacant or contains a building that is not up to code, a property owner can be required to hold a license to keep the property legally vacant. In Cincinnati, where this strategy has been successfully employed, the license must be renewed every six months. If a property owner does not hold a license for two consecutive months they risk forfeiting their property at 80% the value of the property. Vacancy licenses can only be renewed four times, or for two years, after which time the property must be returned to service, sold, or demolished. While this may prove challenging for abandoned properties, the City should consider a similar strategy to help move properties from vacancy to value.



Create a vacant property licensing process and fee structure.



Planning & Code Enforcement

## Implement a Rental Registration Program for Multifamily Structures

Rental registration can be an efficient and evidence-backed tool for identifying and remedying dangerous code violations in rental properties. Rental registration programs require multifamily rental properties to register with the city by submitting a simple form identifying basic information about the property, such as how to reach the landlord in the event of an emergency. Usually a small annual fee (\$10 to \$25 per unit is typical) is required as part of the registration. The city then inspects each property - typically once every three to five years - according to an inspection checklist, checking for major code violations and life threatening conditions. A large and growing number of cities around the U.S. are adopting rental registration ordinances, recognizing the critical role these ordinances play in identifying, deterring, and remedying code violations. Cities with rental registration programs include other Maine municipalities such

as Portland, and many U.S. cities such as Seattle, Sacramento, Philadelphia, Boston, Raleigh, Los Angeles, and Minneapolis.



Create a rental registration program and fee structure for multifamily dwellings.



Planning & Code Enforcement

## Hold Property Owners Accountable

While many landlords are responsible stewards of their properties, others are not. This includes property owners that walk away from their properties and leave financial institutions taking limited to no responsibility for their properties. Lewiston should consider setting up a neighborhood-based, publicly accessible database, rating system or interactive map that reports vacancy and building condition. This would both recognize responsible owners and hold irresponsible owners accountable to the community. The lack of responsibility by property owners, whether they are absentee landlords, local investors, or financial institutions, often leads to properties sitting vacant, unsecured, and uncared for unless the City voluntarily assumes some responsibility for their care at no small cost. Lewiston and Auburn jointly purchased software in part for this to occur; however, it became apparent the product was inadequate to readily achieve these objectives. The City should continue to explore use of an interactive tool to help pressure landlords and absentee homeowners to take better care of their properties. This idea could also be turned into a user-input system for code complaints, to complement the current "report a concern" function on the City's website, streamlining the system, and placing data entry costs and responsibilities on users, not Code Enforcement. The City of Charlotte, NC has created a code enforcement app that allows residents to report code violations real time from their phones.



Create a publicly accessible database or interactive map of land ownership, vacancy, and building to hold private owners responsible.



Planning & Code Enforcement

## Hold Tenants Accountable

While the majority of the burden for maintenance of a rental property falls to the landlord, tenants should also be held accountable for certain minimal upkeep efforts to ensure that the building does not fall into disrepair due to the tenant's neglect. Examples of some tenant accountability regulations in New York include requiring that the premises be maintained in a clean, safe, sanitary condition; that yards, courts and vacant lots be kept clean and free of hazards; that extension cords be used only for purposes intended and not run or laid under rugs or carpets or used as additional electrical wiring; and that all pet waste be promptly collected and disposed of in a sanitary manner. This program is intended to be simple and focuses on preventative practices and personal habits, rather than on costly building repair. These kinds of programs can be difficult to administer and would require additional staff to handle the workload.



Create a tenant education program to ensure that tenants know how to carry out these preventative measures and are aware of the effects of not doing so.



Create a tenant database to assist landlords in the screening process and hold private owners responsible.



Planning & Code Enforcement

Healthy Androscoggin

Lewiston Housing Authority

Community Organizations and Agencies

# LEWISTON CITY COUNCIL

MEETING OF MAY 15, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

**SUBJECT:**

Authorization to accept transfer of forfeiture funds.

**INFORMATION:**

The Lewiston Police Department is requesting that the City Council authorize the acceptance of funds, in the amounts outlined below, as reimbursement for costs associated with assisting in a criminal investigation. The funds are available to the Lewiston Police Department due to its substantial contribution to the investigation of this or a related criminal case.

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

The City Administrator recommends approval of the requested action.



**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$1,184.00, or any portion thereof, in the case of the State of Maine vs. William Scardoni, CR-17-3308 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.

STATE OF MAINE  
Androscoggin, ss

UNIFIED CRIMINAL COURT  
Docket No. CR-17-3308

State of Maine	}	
	}	
v.	}	Municipality of Lewiston
	}	Approval of Transfer
William Scardoni	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Defendant;	}	
	}	
And	}	
	}	
\$1,184.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Lewiston, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, or any portion thereof, on the grounds that the Lewiston Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Lewiston, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Lewiston municipal legislative body on or about

Dated: \_\_\_\_\_

\_\_\_\_\_  
Municipal Officer  
Lewiston, Maine  
(Impress municipal legislative body seal here)

**LEWISTON CITY COUNCIL  
MEETING OF MAY 15, 2018**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Adoption of City Council meeting schedule for the months of July and August.

**INFORMATION:**

Due to summer vacations and other commitments, it is recommended the City Council hold only one regular meeting during the month of July and one regular meeting during the month of August.

The Council has been following a summer meeting schedule of one meeting during the months of July and August for many years. It is recommended that the July meeting be held on Tuesday, July 10<sup>th</sup> at 7:00pm and the August meeting be held on Tuesday, August 14<sup>th</sup> at 7:00pm.

The above dates are subject to change should circumstances arise and the dates need to be adjusted.

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

The City Administrator recommends approval of the requested action.

*ERB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To suspend Section 1,(a) of the Rules Governing the City Council, and to only hold one regular meeting during the month of July, said meeting to be held on Tuesday, July 10<sup>th</sup> at 7:00pm and to hold only one regular meeting during the month of August, said meeting to be held on Tuesday, August 14<sup>th</sup> at 7:00pm.

# LEWISTON CITY COUNCIL

## MEETING OF MAY 15, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Public Hearing for approval of outdoor concerts sponsored by L/A Arts at Dufresne Plaza and Kennedy Park.

**INFORMATION:**

L/A Arts has submitted an application requesting permission to hold outdoor concerts on City property. They plan to hold evening outdoor concerts at Dufresne (Courthouse) Plaza on the last Friday of each month between May-October to be held in conjunction with the Lewiston Art Walk. Permission has also been requested to hold concerts in Kennedy Park. L/A Arts has been hosting outdoor concerts within the City for several years and these have been well attended.

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 Recreation Division, 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.

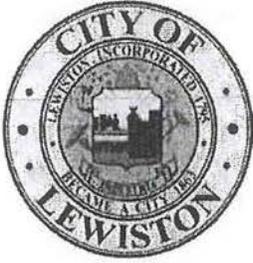


**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from L/A Arts for the evening outdoor concerts to be held at Dufresne Plaza and Kennedy Park on May 25, June 29, July 27, August 31, September 28 and October 26 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 L/A Arts 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 ✓  
Fisher ✓



# 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: ART WALK L/A EVENT LOCATION: LEWISTON/AUBURN <sup>DOWNTOWN</sup>

REQUESTED DATE: \_\_\_\_\_ RAIN DATE (if applicable): \_\_\_\_\_ Application Date: 2/27/18

RECURRING DATES: 5/25/18 - 10/26/18 <sup>FINAL FRI. MONTHLY</sup> NON-PROFIT:  FOR-PROFIT:

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

Walk/Run  Festival  Concert  Road Race  Parade  Carnival  Fireworks   
Picnic/BBQ  Arts  Live Performance  <sup>POSSIBLE</sup> Wedding Ceremony  Wedding Reception

Other (please specify): COMMUNITY <sup>EVENT</sup> Open to Public  Invitation Only  Age Restricted

ACTUAL HOURS OF EVENT: 5:00 to 8:30 <sup>P.M.</sup> SET-UP TIME: 9 AM TAKE-DOWN TIME: 10 PM

NAME OF ORGANIZATION: L/A ARTS APPLICANT NAME: MARY CALAHAN

ORGANIZATION ADDRESS: 221 LISBON ST CITY: LEWISTON STATE: ME

DAYTIME PHONE: 782.7228 CELL: MARY 415.3937 EM: \_\_\_\_\_

ON-SITE MANAGER (Day of Event): ADILAH MOHAMMAD CELL/PAGER: 207.576.3970

STAFF USE ONLY		Event Number:
At-A-Glance		<u>FY190024</u>
Outdoor Entertainment <input checked="" type="checkbox"/>	CC Date: <u>  </u> / <u>  </u> / <u>  </u>	
Sound Amplification <input checked="" type="checkbox"/>	Vendors <input type="checkbox"/>	
Food Service License <input type="checkbox"/>	Outside Alcohol <input type="checkbox"/>	
Carnival Permit <input type="checkbox"/>	Police Assistance <input type="checkbox"/>	
Electrical Access <input checked="" type="checkbox"/>	Fire Inspection <input type="checkbox"/>	
Road Closure <input type="checkbox"/>	Group Notification <input type="checkbox"/>	
Business Contact Plan <input type="checkbox"/>	Advertising Req. <input type="checkbox"/>	
Cash Donation or In-kind Services Req. <input checked="" type="checkbox"/>		

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		_____
Processing Fee: <u>50</u>	CC <u>1942</u> CA <u>  </u>	COI: _____
Clerk's Fees:	Map(s) Received:	
NP: <u>501(C)3</u>	IRS Letter <input type="checkbox"/>	Form 990 <input type="checkbox"/>

T. P. 135070

## Event Details

EVENT LOCATION (specific street/sidewalks): <sup>POSSIBLE - CANAL ST.</sup> LISBON ST & SIDEWALKS # of days 6

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 \$ \_\_\_\_\_

*EXEMPT* (other fees may apply)  
*80% disc / 53 per day*

### 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  <sup>POSSIBLE</sup> Please describe DETAILS PENDING  
SOUND AMPLIFICATION PERMIT may be required \$17 per day Amount \$ 3.40

Live Performance? Yes  No  Please describe DETAILS PENDING  
OUTDOOR ENTERTAINMENT PERMIT City Council approval is required \$50 Amount \$ 10.00

Food? Yes  No  Sold  Given Away  Type \_\_\_\_\_ Food Truck

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 \_\_\_\_\_

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 \$ \_\_\_\_\_

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  No

CARNIVAL PERMIT REQUIRED \$180 Amount \$ \_\_\_\_\_

Total Due Admin:

Total Due City Clerks:

# LEWISTON CITY COUNCIL

## MEETING OF MAY 15, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Public Hearing for approval of outdoor concerts in conjunction with the Great Falls Brewfest at Simard Payne Park.

**INFORMATION:**

Baxter Brewing Company has submitted an application requesting permission to hold an outdoor concert on City property. They plan to hold outdoor music entertainment at Simard Payne Park on Saturday, June 23 during the Great Falls Brewfest. Estimated attendance is 2,000 people and the event coordinators have been working with the State Liquor Enforcement Department regarding rules and regulations.

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.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from Baxter Brewing Company for the outdoor music concert to be held at Simard Payne Park on Saturday, June 23, 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 Baxter Brewing Company 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.



# 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: **Great Falls Brew Fest** EVENT LOCATION: **Simard Payne Park**

REQUESTED DATE: **6/23/18** RAIN DATE (if applicable): **N/A** Application Date: **3/5/2018**

RECURRING DATES: **N/A** NON-PROFIT:  FOR-PROFIT:

TYPE OF EVENT (indicate all that apply) ESTIMATED ATTENDANCE: **2500**

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

Other (please specify): **Beer Festival** Open to Public  Invitation Only  Age Restricted

ACTUAL HOURS OF EVENT: **12pm** to **6pm** SET-UP TIME: **7am** TAKE-DOWN TIME: **7pm**

NAME OF ORGANIZATION: **Baxter Brewing Co** APPLICANT NAME: **Adam Platz**

ORGANIZATION ADDRESS: **130 Mill Street** CITY: **Lewiston** STATE: **ME**

DAYTIME PHONE: **207-576-5318** CELL: **207-576-5318** EM: **events@baxterbrewing.com**

ON-SITE MANAGER (Day of Event): **Adam Platz** CELL/PAGER: **207-576-5318**

<b>STAFF USE ONLY</b>	Event Number: FY180049 new
<b>At-A-Glance</b>	
Outdoor Entertainment <input checked="" type="checkbox"/>	CC Date: ___ ___ ___
Sound Amplification <input checked="" type="checkbox"/>	Vendors <input checked="" type="checkbox"/>
Food Service License <input checked="" type="checkbox"/> <small>see attached</small>	Outside Alcohol <input checked="" type="checkbox"/>
Carnival Permit <input type="checkbox"/>	Police Assistance <input checked="" type="checkbox"/>
Electrical Access <input checked="" type="checkbox"/>	Fire Inspection <input checked="" type="checkbox"/> <small>tents/propane tank</small>
Road Closure <input type="checkbox"/>	Group Notification <input type="checkbox"/>
Business Contact Plan <input type="checkbox"/>	Advertising Req. <input type="checkbox"/>
Cash Donation or In-kind Services Req. <input type="checkbox"/>	

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

# Event Details

EVENT LOCATION (specific street/sidewalks): Simard Payne Park # of days 1

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 \$ 135 (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 two live bands during festival hours

SOUND AMPLIFICATION PERMIT may be required \$17 per day Amount \$ 17

Live Performance? Yes  No  Please describe two live bands during festival hours

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

Food? Yes  No  Sold  Given Away  Type all types Food Truck

Food Truck Name see addendum A BBQ  (review rules & regs see page 4|Fire)

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

sanitarian/code inspection may apply

Beverages? Yes  No  Sold  Given Away  Type Soda sold - Water free

Alcohol  (restrictions apply) Name of Licensed Business Baxter Brewing Co

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

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

Product? Yes  No  Sold  Given Away  Type a collection of vendors will be present

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  No

CARNIVAL PERMIT REQUIRED \$180 Amount \$ \_\_\_\_\_

Total Due Admin:

Total Due City Clerks:

# LEWISTON CITY COUNCIL

## MEETING OF MAY 15, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park.

**INFORMATION:**

The Maine People's Alliance is sponsoring a free music concert on Saturday, June 28 in Kennedy Park. This is being held in conjunction with their L-A Community Unity BBQ. Since they will be having live music, they are required by the Code of Ordinances to obtain an Outdoor Entertainment permit from the City Council. Staff has reviewed their application and has no concerns with this event. Approval is recommended.

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

The City Administrator recommends approval of the requested action.

*ERB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application for an outdoor entertainment event in Kennedy Park, 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, for an outdoor music concert to be held at Kennedy Park on Saturday, June 28, 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.



Please complete and return. Thank you.

### 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: Community Unity BBQ EVENT LOCATION: Kennedy Park

REQUESTED DATE: 6/28/18 RAIN DATE (if applicable): \_\_\_\_\_ Application Date: 3/23/18

RECURRING DATES: \_\_\_\_\_ NON-PROFIT:  FOR-PROFIT: \_\_\_\_\_

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

Walk/Run \_\_\_\_\_ Festival \_\_\_\_\_ Concert \_\_\_\_\_ Road Race \_\_\_\_\_ Parade \_\_\_\_\_ Carnival \_\_\_\_\_ Fireworks \_\_\_\_\_  
 Picnic/BBQ  Arts \_\_\_\_\_ Live Performance \_\_\_\_\_ Wedding Ceremony \_\_\_\_\_ Wedding Reception \_\_\_\_\_

Other (please specify): \_\_\_\_\_ Open to Public \_\_\_\_\_ Invitation Only \_\_\_\_\_ Age Restricted \_\_\_\_\_

ACTUAL HOURS OF EVENT: \_\_\_\_\_ to \_\_\_\_\_ SET-UP TIME: \_\_\_\_\_ TAKE-DOWN TIME: \_\_\_\_\_

NAME OF ORGANIZATION: Maine Peoples Alliance APPLICANT NAME: Jim Lysen

ORGANIZATION ADDRESS: 145 Lisbon St. 2<sup>nd</sup> Fl CITY: Lewiston STATE: ME

DAYTIME PHONE: \_\_\_\_\_ CELL: \_\_\_\_\_ EM: \_\_\_\_\_

ON-SITE MANAGER (Day of Event): \_\_\_\_\_ CELL/PAGER: \_\_\_\_\_

**STAFF USE ONLY** Event Number: FY180050  
**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): \_\_\_\_\_ # 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 \_\_\_\_\_

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 \_\_\_\_\_ 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 \_\_\_\_\_

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 \$ \_\_\_\_\_

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 \_\_\_ No \_\_\_

CARNIVAL PERMIT REQUIRED \$180 Amount \$ \_\_\_\_\_

Total Due Admin:

Total Due City Clerks:

# LEWISTON CITY COUNCIL

## MEETING OF MAY 15, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Public Hearing for approval of an Outdoor Entertainment Permit for the Pride LA Festival Celebration.

**INFORMATION:**

The Pride LA Festival Committee has submitted an application requesting permission to hold an outdoor concert on City property. They plan to have live music during the Festival Celebration on Saturday, June 30 at Simard-Payne Park.

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.



**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application for an outdoor entertainment event for the Pride LA Festival, 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 Pride LA Festival Committee for outdoor music concerts for the Festival to be held at Simard-Payne Memorial Park on June 30, 2018 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.

COL ✓  
DB ✓



### 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

EVENT NAME: Pride LIA MARCH AND FESTIVAL \$50 PROCESSING FEE DUE AT THE TIME APPLICATION IS SUBMITTED. Thank you.  
EVENT LOCATION: MAIN ST, LINCOLN STREET, BEECH STREET, OXFORD ST., SIMARD PARKING PARK  
REQUESTED DATE: JUNE 30th 2018 RAIN DATE (if applicable): \_\_\_\_\_ Application Date: \_\_\_\_\_  
RECURRING DATES: \_\_\_\_\_ lis.janes@gmail.com

TYPE OF EVENT (indicate all that apply) ESTIMATED ATTENDANCE: \_\_\_\_\_  
Walk/Run  Festival  Concert  Road Race  Parade  Carnival  Fireworks   
Picnic/BBQ  Arts  Live Performance  Wedding Ceremony  Wedding Reception   
Other (please specify): MARCH Open to Public  Invitation Only  Age Restricted

ACTUAL HOURS OF EVENT: 10 AM to 5 PM SET-UP TIME: 4 HRS TAKE-DOWN TIME: 2 HRS  
NAME OF ORGANIZATION: PRIDE LIA APPLICANT NAME: LIS JAMES  
ORGANIZATION ADDRESS: PO BOX 513 CITY: LEWISTON STATE: ME

NON-PROFIT:  FOR-PROFIT:  DAYTIME PHONE: \_\_\_\_\_ CELL: 207-409-5520  
ON-SITE MANAGER (Day of Event): LIS JAMES CELL/PAGER: 207-409-5520

**STAFF USE ONLY** Event Number: FY180048

**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 \_\_\_\_\_  
✓ 15208 CC CA \_\_\_\_\_  
 Processing Fee: 50. Park Fee: \_\_\_\_\_ COI: \_\_\_\_\_  
 Clerk's Fees: \_\_\_\_\_ Map(s) Received: \_\_\_\_\_  
 NP: 501(C)3 \_\_\_\_\_ IRS Letter \_\_\_\_\_ Form 990 \_\_\_\_\_

T.R.

MARCH ONLY - NO ROAD CLOSURE NEEDED

### Event Details

EVENT LOCATION (specific street/sidewalks): BEECH ST, OXFORD ST - SIMARD PAYNE # of days 1

Events in our Park (Please select one)

Non-profit (NP) Discounts (if applicable)

PARK MAP REQUIRED (see page 5)

Out-of-Town NP/Fundraiser 50%

Out-of-Town NP  34% ELLSWORTH

### PARK FEE(S)

Simard-Payne Park | \$135 day  Dufresne Plaza | \$265 day \_\_\_\_\_ Amphitheater Only | \$25 hr. \_\_\_\_\_  
Amount \$ 89.10 (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 \_\_\_\_\_

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 FARENHIEHT 225 OTHERS 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

WE ARE STILL CONFIRMING FOOD TRUCKS, BUT WILL MAKE BY SUB. THEY ARE CLEARED

Beverages? Yes \_\_\_\_\_ No  Sold \_\_\_\_\_ Given Away \_\_\_\_\_ Type \_\_\_\_\_

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 \$ \_\_\_\_\_

Product? Yes  No \_\_\_\_\_ Sold \_\_\_\_\_ Given Away \_\_\_\_\_ Type LOCAL BUSINESSES + ORGS.

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 \_\_\_\_\_ No \_\_\_\_\_

CARNIVAL PERMIT REQUIRED \$180 Amount \$ \_\_\_\_\_

Total Due Admin:

Total Due City Clerks:

**LEWISTON CITY COUNCIL**  
**MEETING OF MAY 15, 2018**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Public Hearing on a new application for a new liquor license for The Pub at Baxter Brewing, 160 Mill Street.

**INFORMATION:**

We have received an application for a new liquor license from The Pub at Baxter Brewing, 160 Mill Street.

This application is for malt, vinous and spirituous.

The Police Department has reviewed and approved the application.

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

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

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve a new liquor license application for The Pub at Baxter Brewing, 160 Mill Street.

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

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

NEW application:  Yes  No

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

INDICATE TYPE OF PRIVILEGE:  MALT  WINOUS  SPIRITUOUS

**INDICATE TYPE OF LICENSE:**

- RESTAURANT (Class I,II,III,IV)  RESTAURANT/LOUNGE (Class XI)  CLASS A LOUNGE (Class X)  
 HOTEL (Class I,II,III,IV)  HOTEL NO FOOD (Class I-A)  
 CLUB w/o Catering (Class V)  CLUB with CATERING (Class I)  GOLF COURSE (Class I,II,III,IV)  
 TAVERN (Class IV)  QUALIFIED CATERING  OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

Corporation Name: <u>Barter Brew Pub, LLC</u>		Business Name (D/B/A) <u>The Pub at Barter Brewing</u>	
APPLICANT(S) - (Sole Proprietor)	DOB:	Physical Location: <u>130 Mill St.</u>	
	DOB:	City/Town <u>Lewiston</u>	State <u>ME</u>
		Zip Code <u>04240</u>	
Address		Mailing Address <u>PO Box 603</u>	
City/Town	State	City/Town	State
		<u>Auburn</u>	<u>ME</u>
	Zip Code		Zip Code
			<u>04212</u>
Telephone Number	Fax Number	Business Telephone Number	Fax Number
		<u>207 333 6769</u>	<u>207 333 6768</u>
Federal I.D. #	Seller Certificate #: <u>Application pending - will Amend</u> or Sales Tax #:		
<u>82-3602161</u>			
Email Address: Please Print	Website:		
<u>luxe@barterbrewing.com</u>	<u>www.BarterBrewing.com</u>		

If business is NEW or under new ownership, indicate starting date: 6/15/18  
 Requested inspection date: 6/1/18 Business hours: 3-10p Sun-Wed; 3p-1a Th-Sat.

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
- State amount of gross income from period of last license: ROOMS \$ N/A LIQUOR \$ \_\_\_\_\_
- Is applicant a corporation, limited liability company or limited partnership? YES  NO

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

- Do you permit dancing or entertainment on the licensed premises? YES  NO
- If manager is to be employed, give name: \_\_\_\_\_
- Business records are located at: Trafton, Matzen, Belleau & Frenette - Auburn, ME
- Is/are applicant(s) citizens of the United States? YES  NO
- Is/are applicant(s) residents of the State of Maine? YES  NO

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

Name in Full (Print Clearly)	DOB	Place of Birth
<i>See Attached</i>		
Residence address on all of the above for previous 5 years (Limit answer to city & state)		

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

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

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

Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes  No  If Yes, give name: \_\_\_\_\_

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

13. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: Will I, LLC  
2 Great Falls Plz. Auburn, ME 04210

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_  
See Attached

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for: \_\_\_\_\_

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? \_\_\_\_\_

Which of the above is nearest? \_\_\_\_\_

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

If YES, give details: wholly-owned subsidiary of Baxter Brewing Co, LLC

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

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

Dated at: Leicester ME on April 26<sup>th</sup>, 2018  
Town/City, State Date

**Please sign in blue ink**

[Signature]  
 Signature of Applicant or Corporate Officer(s)  
Harold "Luke" Livingston  
 Print Name

\_\_\_\_\_  
 Signature of Applicant or Corporate Officer(s)  
 \_\_\_\_\_  
 Print Name

**FEE SCHEDULE**

<b>FILING FEE: (must be included on all applications)</b> .....	<b>\$ 10.00</b>
<b>Class I</b> Spirituous, Vinous and Malt .....	<b>\$ 900.00</b>
<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b> Spirituous, Vinous and Malt, Optional Food (Hotels Only) .....	<b>\$1,100.00</b>
<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b> Spirituous Only .....	<b>\$ 550.00</b>
<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b> Vinous Only .....	<b>\$ 220.00</b>
<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b> Malt Liquor Only .....	<b>\$ 220.00</b>
<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b> Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	<b>\$ 495.00</b>
<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b> Spirituous, Vinous and Malt – Class A Lounge .....	<b>\$2,200.00</b>
<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b> Spirituous, Vinous and Malt – Restaurant Lounge .....	<b>\$1,500.00</b>
<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	

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

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

Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
10 Water Street, Hallowell, ME 04347  
Tel: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)

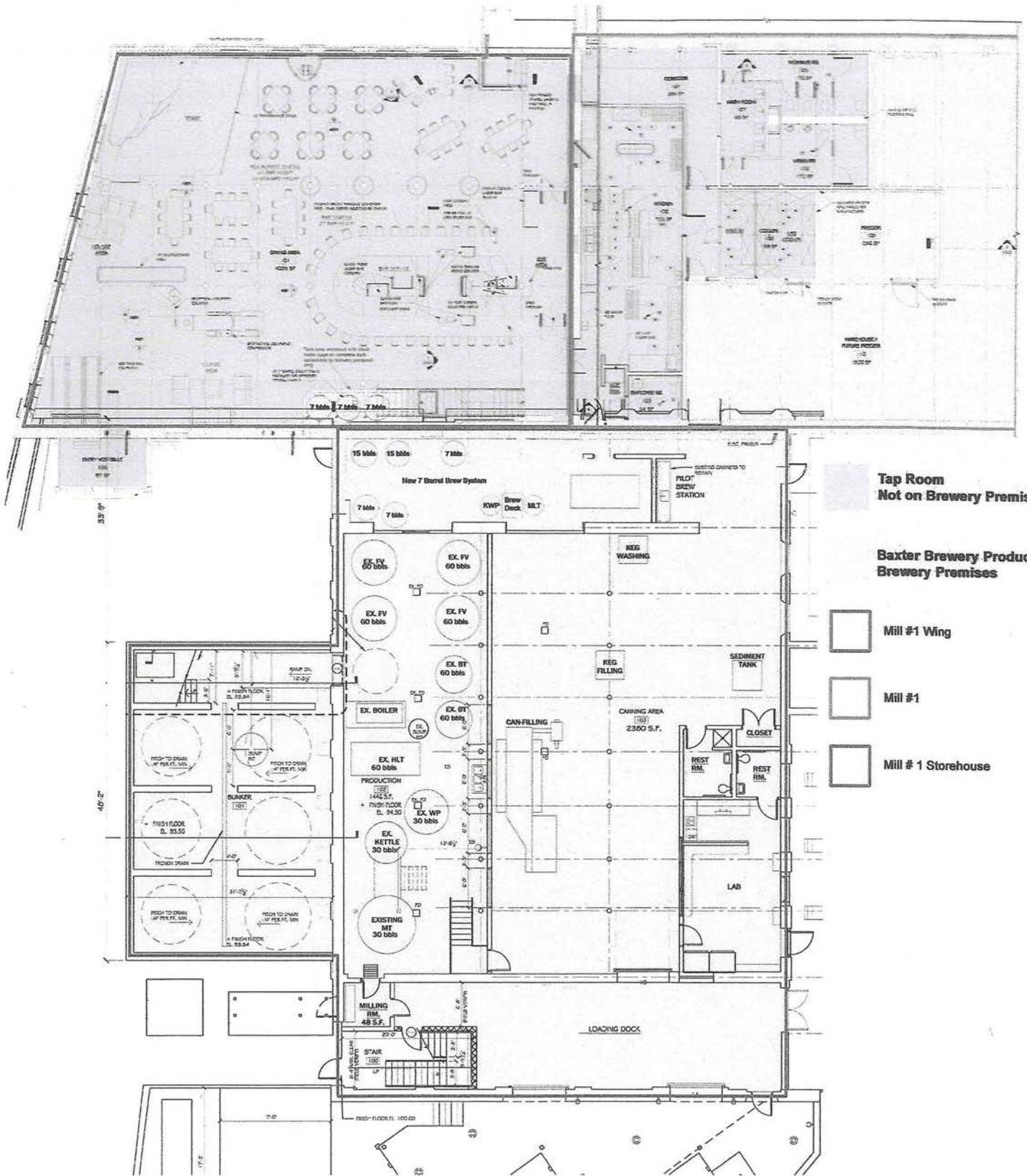
DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

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





Tap Room  
Not on Brewery Premise.

Baxter Brewery Production  
Brewery Premises

Mill #1 Wing

Mill #1

Mill #1 Storehouse

**Baxter Brew Pub, LLC & Baxter Brewing Company, LLC**



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

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

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

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

Please clearly complete this form in its entirety.

- Exact legal name: Baxter Brew Pub, LLC
- Doing Business As, if any: The Pub at Baxter Brewing
- Date of filing with Secretary of State: 12/4/17 State in which you are formed: ME
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
<i>See Attached</i>				

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

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

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

Yes  No  If Yes, Name: \_\_\_\_\_ Agency: \_\_\_\_\_

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

Yes  No

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

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

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

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

Location of Conviction: \_\_\_\_\_

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

Signature:

4/26/18

Signature of Duly Authorized Person

Date

Harold "Luke" Livingston

Print Name of Duly Authorized Person

Submit Completed Forms to:

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

**Member:** Harold "Luke" Lucas Livingston

**Percentage of Ownership:** 30%

**Title:** President

**Address for Previous 5 Years:**

240 Middle Rd. Falmouth, ME 04105 (11/17– present)

136 Main St. South Portland, ME 04106 (06/10 – 10/31/17)

**Home Phone:** 207-240-0180

**Member:** Thomas H Platz

**Percentage of Ownership:** 68%

**Title:** Treasurer

**Address for Previous 5 Years:** 100 Evergreen Rd Auburn, ME 04210

**Home phone:** 207-576-4666

**Member:** Charles A Morrison

**Percentage of Ownership:** 1%

**Title:** N/A

**Address for Previous 5 Years:** 46 Lake St Auburn, ME 04210

**Home phone:** 207-783-7862

**Member:** Richard Livingston

**Percentage of Ownership:** 1%

**Title:** N/A

**Address for Previous 5 Years:** 265 Elm St., Unit 1 Biddeford, ME 04005 (April 2016 – present)

42 Orchard St. Auburn, ME 04210 (1992 – April, 2016)

**Home phone:** 207-777-7440



## ***POLICE DEPARTMENT***

Brian O'Malley  
Chief of Police



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TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: April 17, 2018

RE: Liquor License/Special Amusement Permit – **Baxter Brew Pub, LLC**

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

**d/b/a The Pub at Baxter Brewing, 130 Mill St., Lewiston**



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171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007  
[www.lewistonpd.org](http://www.lewistonpd.org)



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

# CITY OF LEWISTON

## PUBLIC NOTICE

A hearing on the following liquor license applications will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, May 15, 2018, at 7:00 p.m.***, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said applications.

The Pub at Baxter Brewing  
130 Mill Street  
Baxter Brew Pub, LLC

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

***PUBLISH ON: May 9, 10 & 11, 2018***

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

# LEWISTON CITY COUNCIL

## MEETING OF MAY 15, 2018

### AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

#### SUBJECT:

Public Hearing and Final 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.

*EAB/kmm*

#### REQUESTED ACTION:

1	2	3	4	5	6	7	M
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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 final passage by a roll call vote.

**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

## FIRE PREVENTION AND PROTECTION

- 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 Gases 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

## FIRE PREVENTION AND PROTECTION

- 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.

## FIRE PREVENTION AND PROTECTION

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.

## FIRE PREVENTION AND PROTECTION

- 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

## FIRE PREVENTION AND PROTECTION

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:

## FIRE PREVENTION AND PROTECTION

- 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. — 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

## FIRE PREVENTION AND PROTECTION

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

## FIRE PREVENTION AND PROTECTION

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

## FIRE PREVENTION AND PROTECTION

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.

## FIRE PREVENTION AND PROTECTION

(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

## FIRE PREVENTION AND PROTECTION

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.**

## FIRE PREVENTION AND PROTECTION

(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

## FIRE PREVENTION AND PROTECTION

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 15, 2018**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 9**

**SUBJECT:**

Public Hearing and Adoption of the FY2019 Lewiston Capital Improvement Program Bond Issue Order.

**INFORMATION:**

This public hearing is being held in accordance with Article VI, Section 6.14 of the City Charter.

The projects being bonded are in accordance with the Capital Improvement Program adopted by the City Council earlier this year and revisions based on discussions during budget deliberations or changes due to new information on the cost of the projects for funding. The total cost of the Bond Issue is \$16,772,000 and includes over 20 various projects and programs.

**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 FY2019 Lewiston Capital Improvement Program Bond Issue Order authorizing the issuance of \$16,772,000 in FY2019 Public Improvement Bonds and making an appropriation for certain capital projects.

## LCIP Bond Issue Order

### Order, Authorizing the Issuance of \$16,772,000 in FY2019 Public Improvement Bonds and Making an Appropriation for Certain Capital Projects.

**ORDERED**, That \$16,772,000 be appropriated for financing the following FY2019 projects in the Lewiston Capital Improvement Program:

PROJECT	AMOUNT
<b>CITY:</b>	
Airport Wildlife Control Equipment - Tractor	200,000
Radio Replacement Project	511,000
Riverfront Island Implementation	320,000
Fire Pumper/Aerial Replacement - Engine #3	975,000
BLDG 3 - Sabattus Street Fire Station Replacement Project	3,300,000
Street Maintenance Program	2,718,000
Landfill Intermediate Cover	280,000
	<b>8,304,000</b>
<b>SCHOOL DEPARTMENT:</b>	
Lewiston Middle School Auditorium Workshop Addition	50,000
Lewiston Middle School Electrical Upgrade	50,000
Lewiston High School Parking Lot Expansion	220,000
Dingley Building Roof Replacement	300,000
School District-wide Roof Access	96,000
Longley School Renovations	450,000
Lewiston High School Mechanical Systems Upgrades	47,000
	<b>1,213,000</b>
<b>WATER DIVISION:</b>	
Distribution Water Main Replacement/Rehabilitation	2,000,000
	<b>2,000,000</b>
<b>SEWER DIVISION:</b>	
Rehabilitation of Old Sanitary Sewer Mains	1,000,000
Pump Station Replacement	135,000
Collection System Inspection & Rehabilitation	480,000
CSO Master Plan Update	100,000
CSO Storage in Franklin Pasture for Gully Brook CSO Area	1,000,000
	<b>2,715,000</b>
<b>STORM WATER DIVISION</b>	
Lisbon Street Storm Drain Rehabilitation	140,000
Culvert Replacement Program	350,000
Storm Drain Inspection	350,000
CSO Storage in Franklin Pasture for Gully Brook CSO Area	1,000,000
CSO Master Plan Update	100,000
Jepson Brook Channel Upgrades	600,000
	<b>2,540,000</b>
<b>TOTAL</b>	<b>16,772,000</b>

**FURTHER ORDERED**, That to meet this appropriation, \$16,772,000 shall be raised by Public Improvement Bond Issue(s);

**FURTHER ORDERED**, That the City Council instruct the Finance Director to advertise for bids for \$16,772,000 or increments thereof, Public Improvement Bonds; to award the loan; and to employ Locke Lord LLP to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

**FURTHER ORDERED**, That the bonds shall be signed by the City Treasurer and Mayor;

**FURTHER ORDERED**, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director under the advice of UniBank Fiscal Advisory Services Inc.;

**FURTHER ORDERED**, That bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director; and

**FURTHER ORDERED**, On or before the call date, the Finance Director is authorized to refund/advance refund this bond series if a net present value benefit is derived.

Dept.	Org.	Object	Account	Amount	Description
Auditing	4153	428900	Training	3,600	Munis Employee Self Service Training
MIS	4161	426200	Maintenan	8,400	Trio Upgrade - required
MIS	4161	450500	Office Equi	37,200	31 PCs - city wide
MIS	4161	450500	Office Equi	2,400	Printers - city wide
MIS	4161	450500	Office Equi	1,200	Public wireless at the Armory for shows
MIS	4161	450500	Office Equi	1,800	Computer monitors
MIS	4161	450500	Office Equi	68,040	TCM
MIS	4161	450500	Office Equi	121,470	Exchange & Office 2016 Replacement
HR	4181	450500	Office Equi	1,930	2 duplexing scanners
City Hall	4191	427500	Repairs to l	5,400	Carpet replacement
City Hall	4191	427500	Repairs to l	2,300	Storm windows admin. suite
City Hall	4191	458000	Buildings	16,000	Northeast corner roof replacement - CH
City Hall	4191	458000	Buildings	10,000	First floor hallway ceiling rehab.
City Hall	4191	458000	Buildings	26,000	New windows at city hall
City Hall	4191	458000	Buildings	83,000	City Hall Stairway Project
Oak St.	4193	427500	Repairs to l	10,000	Deck Membrane
Oak St.	4193	427500	Repairs to l	6,000	Steel Painting
Centreville	4194	458000	Buildings	230,000	Structural Rehab.
Chestnut St	4195	427500	Repairs to l	18,000	Pressure washing garage on a rotating basis
Chestnut St	4195	458000	Buildings	25,000	Steel maintenance & painting
S. Gateway	4196	427500	Repairs to l	12,000	Pressure washing garage on a rotating basis
S. Gateway	4196	427500	Repairs to l	1,000	Relining parking stalls
Lincoln St.	4197	427500	Repairs to l	1,200	Relining parking stalls
Police	4213	451000	Vehicles	72,750	3 AWD cruisers
Police	4213	451000	Vehicles	62,750	2 Full size SUVs
Police	4217	458000	Buildings	45,000	Training & conference room upgrade
Fire	4221	450500	Office Equi	10,108	Records Management Software
Fire	4222	435800	Public Safe	15,500	Hose, foam & valves
Fire	4222	435800	Public Safe	2,000	Handheld & apparatus flashlights
Fire	4222	451000	Vehicles	50,000	Fire support vehicle Unit #415
Fire	4222	452500	Public Safe	3,000	Portable stabilization system
Fire	4222	452500	Public Safe	1,500	Radio headsets
Fire	4223	452800	Communic	10,500	Replace 3 radios
Fire	4229	453000	Household	5,200	4 mattress sets, 5 chairs, and 2 appliance
Fire	4229	458000	Buildings	4,000	Main St. Split Heat Pump
Fire	4229	458000	Buildings	4,000	Lisbon St. - Lawn Repairs
Fire	4229	458000	Buildings	3,600	Central - Gym Floor Renovations
Fire	4229	458000	Buildings	12,000	Central - Carpet Replacement
Fire	4229	458000	Buildings	14,400	Central - Bay Light Upgrade
Highway	4331	436000	Small Tools	1,600	2 metal detectors
Highway	4331	436000	Small Tools	5,650	Asphalt saw & blades
Highway	4331	452500	Public Safe	1,800	5 jersey barricades
Highway	4331	457000	Other Bett	41,000	Oxford St. Parking Lot
Highway	4331	457001	Resurfacing	129,000	MDOT 5 - River Rd. - Razel to AAPP
Highway	4331	457001	Resurfacing	59,000	MDOT - East Ave. - Homefield St. to Fairlawn
Highway	4331	457003	Other Bett	4,000	Replace worn & damaged ones
Sidewalks	4334	457000	Sidewalks	331,000	LCIP is either FB or bond
St. Lighting	4338	436000	Small Tools	5,625	Underground locator for Dig Safe

Waste Dis.	4343	451000	Vehicles	13,000	1 30 yd. & 1 50 yd. roll-off container
Waste Dis.	4343	457000	Bettermen	250,000	Truck Scale Replacement & Software upgrade
Parks	4351	436000	Small Tools	1,000	Large chainsaw
Parks	4351	457000	Other Bett	800	Landscape structure for sign Ricker Park
Open Spac	4351	457000	Bettermen	75,000	Marcotte Park
Hydro	4361	427500	Repairs to l	3,500	Masonry work
Hydro	4361	428816	Canal Main	46,840	Balance of LCIP to offset fund balance (\$2990
MG	4381	451000	Vehicles	35,000	Recreation Van
M. Garage	4381	451000	Vehicles	1,231,000	Various less sidewalk plow funded
M. Garage	4381	452000	Garage & S	14,000	Pressure washing equipment
M. Garage	4381	452000	Garage & S	1,800	Oil drain & recovery containers
M. Garage	4381	452000	Garage & S	22,000	Plasma cutting table
M. Garage	4381	452000	Garage & S	4,200	3 overhead exhaust hoses
M. Garage	4381	452000	Garage & S	55,000	GPS drive-by download for sand & salt applica
PW Buildin	4391	458000	Buildings	36,000	Engineering office suite floor replacement
PW Buildin	4391	458000	Buildings	5,500	Overhead door replacement
PW Buildin	4391	458000	Buildings	17,000	Engineering conference room floor replaceme
PW Buildin	4391	458000	Buildings	26,000	PW training room floor replacement
Armory	4519	458000	Buildings	3,000	Hot water heater in admin. Bathroom
Armory	4519	458000	Buildings	35,822	Armory light replacement net school credit &
Armory	4519	458000	Buildings	6,000	Gym floor storage units
Armory	4519	458000	Buildings	4,000	Replace floor mats
Armory	4519	458000	Buildings	15,000	Admin. Office flooring replacement
Library	4552	450500	Office Equi	2,100	25 wooden chairs to replace damaged ones
Library	4559	458000	Buildings	138,500	Pillsbury Block window replacement
Library	4559	458000	Buildings	56,100	Elevator upgrade
Library	4559	458000	Buildings	22,350	Archive HVAC
Airport	4811	449000	Airport	10,000	Local match on runway project
Airport	4811	449000	Fixed Charç	150,000	Hanger Door
Transit	4812	451000	Transit	50,000	Bus replacement
911	4813	449000	Fixed Charç	85,000	Virtualization Software
Severance	4931	416000	Severance	300,000	FB assignment of vacation
W. Comp	4941	417400	Workers Cc	197,768	Fund a portion of the unfunded liability
Donations	4951	443000	Donations	50,000	Museum LA Site Plan Partnership
Misc.	4991	450500	Office Equi	7,000	Misc. emergency replacement

**4,557,203**

Beginning Fund Balance	13.90%
Ending Fund Balance	10.00%



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Mayor and City Council  
**FROM:** David Hediger, City Planner  
**DATE:** February 14, 2018  
**RE:** Planning Board recommendation: FY 2019 Lewiston Capital Improvement Plan

Pursuant to Article VII, Section 4(e) of the Zoning and Land Use Code, the Planning Board took the following actions at their meeting held on February 12, 2018 sending a favorable recommendation for the City Council's consideration the adoption of the FY 2019 Lewiston Capital Improvement Program:

**MOTION:** by **John Butler** to move the expenditures for the Lincoln Street Garage Phase II forward one year to 2020 and 2021. **Second by Lucy Bisson.**

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

Note: given the uncertainty with the redevelopment of Bates Mill #5, the Board felt it was appropriate to delay this project.

**MOTION:** by **Benjamin Martin** to move the expenditure for the Kennedy Park Master Plan forward by one year to 2020. **Second by John Butler.**

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

Note: some Board members noted the amount of funding seems excessive and that a delay would help reduce the amount of bond funding.

**MOTION:** by **Lucy Bisson** to move the expenditure for the Oxford Street Parking Lot project forward one year to 2020. **Second by Benjamin Martin.**

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

Note: given the uncertainty with the redevelopment of Bates Mill #5, the Board felt it was appropriate to delay this project.

**MOTION:** by **John Butler** that any funds approved towards the Sabattus Street Fire Station Replacement Project not utilized be allocated to future Fire Station Replacement Projects only. **Second by Benjamin Martin.**

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

Note: discussion regarding the planning and design of this station revealed how costs will vary due to land acquisition, design, etc. Therefore, after completion of the Sabattus Street Fire Station Replacement project, any funds remaining should be dedicated specifically to the next fire station replacement project.

**MOTION:** by **Bruce Damon** that recommendations made by the Planning Board regarding the FY 2019 Lewiston Capital Improvement Program apply solely to FY19 expenditures and that any projects identified in subsequent years must be brought back before the Planning Board for consideration. **Second by John Butler.**

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

Note: some Board members expressed concerns with the Council's recent appropriation of funds exceeding \$100,000 for a new sidewalk plow. The ordinance requires that the Board shall review and make a recommendation to the city council with regard to all capital expenditures costing \$100,000.00 or more which are not included in the annual capital program. The sidewalk plow was included in FY18 capital plan for year 2 of the plan. The Planning Board made a recommendation on the FY18 capital plan with this item included for FY19. The Council's recent approval moved the purchase of the plow ahead one fiscal year. Whereas the actual practice of the Planning Board has been to largely focus on the first year of the plan and not the out years, the Board is looking to avoid having the Council fund proposed projects from subsequent years without the Board's recommendation.



# City of Lewiston, Maine



## Finance Committee

February 12, 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 February 12, 2018 the Committee took the following action relative to recommendation of the FY2019 Capital Improvement Program:

*On motion of Mr. Lachance, seconded by Councilor Lysen it was voted to send the following recommendation:*

**VOTED:**

*The Finance Committee has reviewed the Fiscal Year 2019 Lewiston Capital Improvement Program. The Finance Committee recognizes that this document is a long-term planning tool utilized by the City Council and Administration, and that all projects are subject to the scrutiny of the budgetary process. If projects as requested are approved, including the Administrator's recommendation and School Department recommendations, the proposed FY19 bond authorization amount would significantly exceed the 80% bond issue authorization limitation as established by City Ordinance (Chapter 2, Article II, Section 2-34: Council action on bond authorization).*

*As a committee serving this council and the citizens of Lewiston we recommend the focus be placed on the overall systemic view rather than a listing of each item that highlights our concern. Given some council members are new to the process we think this a prudent manner of presentation.*

*On Debt*

*We are grateful for the past few years of debt reduction however, a review of the past 10 years shows that while we might see several years reduction, all it takes is one year of significant bonding to wipe out any gains, thus destroying the original intent of the 2008-2009 City Council who began the concept of mandated debt reduction. On the city side, we saw jumps in FY 07 & FY11, and in FY 13 & FY18 on the School side, even after considering the state reimbursement portions. Add those to the constantly growing Lewiston utility debt and we remain concerned that the residential taxpayer will not be able to stay in their home and that potential business development might look elsewhere to establish a presence.*

*Fund Balances*

*We appreciate the city reviewing fund balances and believe that excessive Fund Balance is as much a concern as it is a safety net. The Finance Committee recommends a Fund Balance floor of 10%, given a balance of as little as 8.33% calculates to 30 days of reserve. City administration should be able to provide a breakdown of the past 5 years of the fund balance in days held to show the true loss in sitting on this money as opposed to using it to maintain our streets our complete other projects affecting the livability of our citizens*

*Fire Stations & Schools*

*We are aware that the city needs major improvements to the Central Fire Station as well as a need for three new substations throughout the city. When you combine this with the potential request of a Performing Arts Center at the High School that would receive no state reimbursement, we have a potential new debt on these alone to approach \$50 Million dollars or more. We recommend working more with the architects and designers to find ways to reduce the cost and develop structures that meet the essential needs instead of designing based on a wish list or the best of the best.*

#### *On Housing*

*We renew our call to create additional staffing within Code Enforcement to ensure that multi-family rentals meet all required codes and provide a safe environment for the tenants. Creating a licensing and inspection fee as a requirement of offering units for rental should pay for itself annually and guarantee that we have housing stock that is desirable and safe. The council will need to consider the number of units in a property before inspection is required (4 seems to be a common threshold) and whether owner-occupied premises would have a different requirement or licensing application.*

#### *On Roads*

*The Finance Committee also asks that the city ensure that any project approved for the LCIP be done in the year anticipated unless delays are unavoidable. If delays are only due to city staff not having enough time to complete the work, we suggest contracting with others to ensure the work is completed on time. Delaying highway's projects and road repairs could lead to higher costs than budgeted should the petroleum market or other factors change. Some foresight or planning of staffing for our needs and ability will lead to better outcomes and more timely completions. The council would benefit greatly from seeing a timeline of each project, and the staffing required in planning and implementation stages so that we can have a clear picture of when outside assistance will be required in advance. As an example, the city engineering staff might not be able to accommodate all road project design given the short season, thus an outside firm might be contracted to take on some of that load.*

#### *Prudent Choices*

*Despite all this, the economic outlook seems to indicate that borrowing more in the present time as opposed to delaying might save this city a significant amount of interest paid out, thus we ask the city financial staff to provide you with the options of both financing or delaying based on the projected bond market for the next 2-3 years. This might seem contrary to our other points on having to rein in spending and be cautious, but a combination of ensuring that we only get what we can afford to and doing so when the market gives us the most favorable conditions will bode Lewiston well over the next 10 years or more.*

*We look forward to being a resource to the city on any of these issues and are open to assisting with any further discussion.*

*The Committee voted 5-0 in support of the recommendation.*

Sincerely,

Robert Reed, Chairman  
Finance Committee

# LEWISTON CITY COUNCIL

## MEETING OF MAY 15, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 10**

**SUBJECT: Resolve**, Indicating the Support of the Lewiston City Council for an 800Mhz Replacement Radio System for LA911

**INFORMATION:** LA911's radio system is over 20 years old, must be replaced, and the agency is in a three year program to do so. The first year's projects, which are nearing completion, involve the system's major towers and are aimed at improving the system's geographical coverage. The upcoming year will replace the dispatch center's radio consoles. The third year will replace the core radio system. Elsewhere on tonight's agenda, the Council will consider authorizing bonds for console replacement. Next year's base radio system replacement will require that the cities chose between maintaining the current VHF system and going to an 800Mhz system that is more expensive. The advantage of the 800 system is that it will provide the various public safety agencies with additional frequencies where the VHF system cannot due to the limited quality and availability of VHF frequencies in our area. Currently, each agency operates with one primary frequency and a secondary or tactical frequency that does not have full radio capability in that it operates similarly to a walkietalkie, individual radio to individual radio system within only a limited geographical area. This limits radio availability when significant emergency situation arise, forcing the primary channel to be restricted to use only by those involved in the emergency and requiring all other normal communications to wait. LA911 may be able to reduce the overall cost of the base radio project if the eventual frequency choice is made prior to replacing the dispatch consoles. As a follow-up to the joint Council meetings where this project has been discussed, a working group composed of the Mayors, Councilors who serve on the 911 Committee, Managers and their Assistants, Police and Fire Chiefs, and staff of LA911 recently met to further discuss the frequency decision. While recognizing the valid concerns raised by some regarding the affordability of the 800Mhz system, the majority of those present favored the 800Mhz option given that system's ability to meet the needs of the public safety agencies by delivering quality radio communications over multiple radio channels. Attached is a summary of what was discussed at that meeting. Cost estimates for the two options are also attached. This resolve would put the City Council on record supporting the 800 system.

**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, Indicating the Support of the Lewiston City Council for an 800Mhz Replacement Radio System for LA911



**COUNCIL RESOLVE**

**Resolve,** Indicating the Support of the Lewiston City Council for an 800Mhz Replacement Radio System for LA911.

Whereas, LA911's radio system is in excess of twenty years old, is no longer supported by the manufacturer, and replacement parts are becoming difficult to locate; and

Whereas, a robust and reliable emergency communications system is necessary for the operation of Lewiston's and Auburn's emergency services; and

Whereas, LA911 is in the second year of a three year radio replacement and upgrade program; and

Whereas, in the coming year, LA911's dispatch radio consoles are scheduled to be replaced; and

Whereas, the core radio system is scheduled for replacement in FY20; and

Whereas, staff and officials of the cities of Lewiston and Auburn and LA911 have been evaluating alternative radio systems based on VHF and 800 Mhz frequencies; and

Whereas, while dispatch center radio consoles can be purchased that will function with either frequency system, a choice of frequency prior to console purchase may provide for some cost savings; and

Whereas, following several joint meetings between the Councils of Lewiston and Auburn, LA911 staff, and the public safety staffs of the cities, a working group of the Mayors, Managers and their Assistants, Police and Fire Chiefs, and Councilors on the 911 Committee recently met to further explore and discuss the radio replacement project; and

Whereas, while recognizing the valid concerns raised by some regarding the affordability of the 800 Mhz system, the majority of those present favored the 800Mhz option given that system's ability to meet the needs of the public safety agencies by delivering quality radio communications over multiple radio channels; and

Whereas, given that the City Council of the City of Lewiston is expected to approve the funding needed to move forward with LA911's console replacement project, it would be appropriate for the Council to indicate support for its preferred radio frequency system at the same time;

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

The proposed 800Mhz radio system is the preferred replacement option for LA911 because it will provide the additional radio frequencies required for effective public safety operations and will enhance communications ability from within buildings of a certain construction type.

**Lewiston-Auburn 9-1-1  
Emergency Communications System**

**Paul M. LeClair, Director**  
552 Minot Avenue, Auburn, Maine 04210  
207.786.5380 ~ 207.795.0743 fax



May 9, 2018

Edward A. Barrett  
City Administrator  
City of Lewiston

Peter Crichton  
City Manager  
City of Auburn

**Re: Radio System Sub Committee Meeting / May 2, 2018**

As a follow-up to the 911 radio upgrade discussion at the Joint Council meeting of February 2018, City Manager Peter Crichton suggested that the mayors, managers and assistants, councilors serving on the 911 Committee, Finance Directors, and the Chiefs of the public safety departments meet to further explore and discuss the upgrade project.

In attendance: Mayor Jason Levesque, Mayor Shane Bouchard, Councilor Leroy Walker, Councilor Michel Lajoie, City Administrator Edward Barrett, City Manager Peter Crichton, Finance Director Heather Hunter, Finance Director Jill Eastman, Fire Chief Robert Chase, Fire Chief Brian Stockdale, Police Chief Phil Crowell, Police Chief Brian O'Malley, Asst. Chief Bruce McKay, Deputy Chief Jason Moen, Director Paul M. LeClair, IT Director Drew McKinley, Operations Manager Tim Hall

The Radio System Sub-Committee met on Wednesday May 2, 2018 @ 2:00 PM to discuss the Radio System Capital Project. The Committee reviewed the PowerPoint presentation from the Joint City Council Meeting of February 22, 2018 (attached) and the proposed capital project schedule for FY18, FY19, & FY20 (attached).

Talking points for the meeting:

**Mobile and Portable Radios:**

Director LeClair reviewed the cost breakdown for mobile and portable radios for both the VHF and 800Mhz radio systems (breakdown attached). The City Managers have indicated each city will be responsible for their individual department's mobile and portable radio cost.

The Committee discussed grant opportunities for the mobile and portable radios. The Director reviewed the current Homeland Security Grant Program that provides annual funding to

# Lewiston-Auburn 9-1-1 Emergency Communications System

**Paul M. LeClair, Director**

552 Minot Avenue, Auburn, Maine 04210  
207.786.5380 ~ 207.795.0743 fax



Lewiston and Auburn. The Police and Fire Chiefs oversee the HSG projects and will ensure funding for the needed mobile and portable radios for the Hazardous Material Team will be included in the grant allocation for FY19 and FY20. In terms of the funding required for the larger radio replacement program, the Mayors will contact our Congressional Delegation and request assistance in searching out government funding opportunities.

## **Radio System Discussion:**

The bulk of the discussion focused on the primary requirements the radio system project is intended to fulfill -- improving radio equipment reliability and addressing radio frequency deficiencies. The Committee discussed at length the concept and design of the radio system itself and how the systems rely on frequencies to provide public safety responders with the necessary communication channels with which to operate. The primary difference between VHF and 800Mhz is the limitation on the number and quality of VHF channels when compared to the 800Mhz system. A secondary difference is the greater ability of 800Mhz systems to penetrate certain building types.

## **VHF Frequencies:**

Each of the Lewiston Auburn Public Safety Agencies currently have access to one of four (4) primary frequencies, with one primary assigned to each agency. They each also have one (1) backup frequency that is not fully supported by the main radio system. When using a radio on the backup frequency, that radio can only access one of the systems nearest towers. As a result, the communication range is limited since the radio signal will not be sent out to the system's various repeaters. Thus, a user in South Auburn is generally unable to communicate with users in North Auburn on the backup frequency. Essentially, this frequency operates in the same way as walkie-talkies – individual radio to individual radio within a limited geographical area.

While these so-called “tactical” channels are intended to be used to deal with particular situations such as communications at a fire scene or a significant police incident such as a hostage situation, they are unfortunately of limited quality since they are not fully integrated into the overall radio system and are subject to interference and “talk over” from others using the same or nearby frequencies since they are not as fully buffered as the primaries. As a result, they are frequently unavailable or unreliable, forcing all traffic onto the assigned primary frequency.

For major emergencies, it is not unusual for an agency to restrict all radio traffic on a primary channel to those responding to the emergency, effectively shutting down that channel for routine or normal operations. While this issue could be addressed through integrating additional frequencies into the core radio system, additional VHF radio frequencies are not readily available to the LA Agencies and, if they were, there would also be an additional cost associated with integrating them into the system since each frequency requires its own main radio equipment. VHF is a heavily used radio spectrum and obtaining additional frequencies with good quality and range is not an option.

**Lewiston-Auburn 9-1-1  
Emergency Communications System**

**Paul M. LeClair, Director**  
552 Minot Avenue, Auburn, Maine 04210  
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**800Mhz:**

The design of an 800Mhz radio system efficiently manages a frequency spectrum by removing the limits on individual frequencies. An 800Mhz system provides the Police, Fire, and LA911 Agencies with multiple talk group channels without the equipment limits associated with VHF. With such a system, the Police and Fire Chiefs can separate emergency and non-emergency radio communications as opposed to the current situation where all emergency and non-emergency radio communications occur on **one** frequency.

Maintaining emergency channel integrity will improve incident scene safety and provide secure radio channels for sensitive operations. Best practices recommend Police and Fire Chiefs use a designated radio channel for critical incident scene operations.

The primary purpose of an 800Mhz system, recognizing the VHF frequency limits we face in our region, is efficiency; many people can carry on many conversations over only a few distinct frequencies.

**Financial Issues:**

The major concern/issue with moving to the 800Mhz system is cost. In general, the costs for the system run about twice that for a replacement VHF system. Moving to 800Mhz will require that all portable and mobile radios be replaced at the same time, speeding what would normally be an on-going four to five year replacement cycle, and will require a higher annual maintenance and licensing fee. Cost is clearly a significant issue, particularly among elected officials and city management, where competing priorities must be evaluated for limited capital and operating funds and concerns exist regarding relatively high tax rates and their effect on economic development and resident ability to pay.

To some extent, however, comparing costs between the two systems is like comparing apples to oranges. A VHF system that would provide a similar number of frequencies or channels would be significantly more expensive than the cost estimates for simply replacing the current system.

**Summary:**

There was significant support among the public safety staff at the meeting for the 800 system given its ability to provide a multi-channel/frequency environment as well as its enhanced building penetrating capability. While the VHF system might be a workable alternative if additional frequencies were available, their lack is a significant shortcoming. At the same time, some elected and management officials continue to struggle with the higher costs associated with such a system, concerns that all present understand.

The radio project is being phased in over a three year period (FY18 – FY19 – FY20) to allow for adequate planning and implementation. To further address cost concerns, the group explored alternative potential sources of funding including federal grants and state support through the

**Lewiston-Auburn 9-1-1  
Emergency Communications System**

**Paul M. LeClair, Director**

552 Minot Avenue, Auburn, Maine 04210

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emergency 911 telephone surcharge fund. The Mayors agreed to pursue this with state and federal officials. In addition, Chief Crowell indicated a willingness to further investigate an upcoming federal grant program for body worn cameras that might be a potential funding source through using the system to transmit video.

In general, the majority of those present would favor the 800Mhz radio option given the system's ability to deliver quality radio communications and multiple radio channels to meet the needs of the Lewiston Auburn Public Safety Agencies.

**Next Steps**

The City of Lewiston will be voting on May 15<sup>th</sup> on its' capital bonding. The proposal includes funding for dispatch console replacement. The City of Auburn Budget review process will occur during the month of May and the LA911 Operational and Capital Budget will be presented to the Auburn Council on May 21<sup>st</sup>. While consoles can be purchased now for use with either system later, there may be some additional costs associated with matching the consoles to the system. Knowing whether we will stay with VHF or move to 800 at the time of console replacement may result in some overall project savings.

Should Lewiston approve the console replacement borrowing, the Lewiston Council will be asked to vote on a Resolve indicating its support for either the 800 or VHF systems.

**Director Paul M. LeClair**

COST COMPARISON  
RADIO SYSTEM REPLACEMENT

The following summarizes first year costs associated with each system. It assumes that the capital cost for the main radio system will be split 50/50 between Auburn and Lewiston. The costs for portable and mobile radios are estimated for Lewiston only. In that regard, 800Mhz requires that all of our portable and mobile radios be replaced at once to be capable of use with 800. The number shown for VHF represents routine annual replacement based on a 4 to 5 year replacement schedule. For comparative purposes, full VHF replacement for Lewiston is estimated at \$780,488.

	VHF	800Mhz
Main Radios	\$1,425,000	\$2,050,000
Portable/Mobile Radios	<u>185,272</u>	<u>1,101,753</u>
Total 1 <sup>st</sup> Year Capital Cost	\$1,610,272	\$3,151,753
 Annual Software Upgrade Assurance	 250,000	 450,000

Overall, therefore, the first year costs for 800 would be \$1,541,481 higher. Over the next 4 years, routine radio replacement would not be necessary, resulting in annual savings of about \$185,000 during that period. The annual software upgrade assurance for 800 will also run about \$200,000 more per year.

## FY19 Lewiston Capital Improvement Program Project Description Form

<b>Project Title:</b>	<b>Radio Replacement Project</b>		
<b>Operational Funding Division:</b>	LA911	<b>Project Name:</b>	Radio Replacement
<b>Est. Total Cost FY19:</b>	1,022,000	<b>Est. Total Cost FY19-FY23:</b>	7,022,000
<b>City Share FY19:</b>	511,000	<b>City Share FY19-FY23:</b>	3,511,000

**Project Description:**

FY19 funding will provide the replacement of the dispatch center radio consoles, furniture, and other related equipment necessary to support the second phase of the radio system upgrade. Existing radio infrastructure is in year 22 of a 15-20 year life cycle. Replacement parts are no longer made and are difficult to locate. The dispatch center radio console parts are no longer supported by the manufacturer and at times can only be purchased from a non-conventional source such as eBay. A new radio system expands technology capabilities to meet current day and future demands of public safety responders in addition to maintaining compliance with FCC requirements. Dispatch center furniture improvements will address and improve work conditions for the employees.

**Consistency with the Comprehensive or Strategic Plans or other related planning documents:**

Replacement of the existing radio infrastructure, which links all of the cities' public safety law enforcement and fire responders, as well as partnering police and fire mutual aid agencies, will ensure the basic communication system of mobile and portable radios will continue to operate reliably, safely, and serve both the responders and the communities. LA911 staff has partnered with the Androscoggin County Sheriff, supporting agencies such as public works and the A-L Airport to ensure communication compatibility and capability.

**Justification for project implementation/construction and segments, if applicable:**

The radio network is failing in signal saturation (dead spots) and increased repair time. Motorola no longer manufactures replacement parts for our current radio system. We are experiencing an increase in failed power supplies, which cannot be replaced and must be repaired, often times leading to extended periods of down time and limited capability. Replacement parts for dispatch consoles are being procured via eBay if available.

**Future maintenance costs if known, including contracts and special service requirements:**

Initial purchase provides for extended warranty options for the life of the equipment which is set at 15 to 20 years. A radio consultant was hired in 2015 to help guide the process to ensure the Center purchases equipment that meets current and future needs, does not over build for our needs, and does not under build for premature obsolescence. His report agrees replacement is overdue and recommends multiple approaches to the process.

**How were cost estimates obtained and expenditure commitment:**

Obtained from established vendors and manufacturer

### FUNDING SOURCES

Source	Amount	Agency:	Approval Received?	Yes	No
City Operating Budget					
City Bond Issue	3,511,000				
Federal/State Funding					
Other Agency/Municipality	3,511,000	Agency: Auburn	Approval Received?	Yes	No
<b>Total Project Costs</b>	<b>7,022,000</b>				

### IMPLEMENTATION SCHEDULE (Fiscal Years)

	2019	2020	2021	2022	2023	Future
<b>Total Project Cost</b>	1,022,000	6,000,000				
<b>Non-City Share</b>	511,000	3,000,000				
<b>City Share</b>	511,000	3,000,000	0	0	0	0

Attach on separate page(s)/sheet additional information (if needed)

# LEWISTON CITY COUNCIL

## MEETING OF MAY 15, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 11**

**SUBJECT: Order,** Authorizing the City Administrator to Take the Necessary Steps to Sell the City-Owned Properties at 12 Anger Street, 91 Crowley Road, 12 Jack Court, 147 Sabattus Street.

**INFORMATION:** The City recently accepted bids for seven parcels of vacant land that were acquired through matured tax liens and approved for disposition by the Planning Board. Reasonable bids were received on four of these parcels. These four parcels were either undevelopable or faced development limitations related to requirements of our land development code. In all instances, the recommended bid awards are to the owners of abutting properties.

No bid was received on the property at 8 Doyon Avenue, which could only be developed if a paper street was developed and utilities extended. Bids were received on two other nearby parcels – 12 Doyon and 14 Glenview. The bidder proposed developing a new home on these parcels; however, this again could not be done without developing a paper street and extending utilities, and we believe the bidder is not aware of this limitation.

Additional information is available on the attached memo from Purchasing Agent Allen Ward.

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

The City Administrator recommends approval of the requested action.



**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Order, Authorizing the City Administrator to Take the Necessary Steps to Sell the City-Owned Properties at 12 Anger Street, 91 Crowley Road, 12 Jack Court, 147 Sabattus Street.



CITY OF LEWISTON, MAINE

May 15, 2018

COUNCIL ORDER

**Order,** Authorizing the City Administrator to Take the Necessary Steps to Sell the City-Owned Properties at 12 Anger Street, 91 Crowley Road, 12 Jack Court, 147 Sabattus Street.

Whereas, the City acquired ownership of these properties on the basis of matured property tax liens; and

Whereas, all of these properties are vacant lots; and

Whereas, a request for bids was issued for the sale of these properties, which resulted in a number of offers to purchase from residents of abutting properties; and

Whereas, the Planning Board has reviewed all of these properties and has recommended that the City dispose of them;

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

the City Administrator is authorized to sell the following City-owned properties to the parties and for the amounts shown below:

<b>Parcel</b>	<b>Bid</b>	<b>Bidder</b>	<b>Reuse</b>
12 Anger St	\$ 2,000	Wallace and Diane Haugen	Abutter, owns 48 Stanley
91 Crowley Rd	\$ 2,000	Nicole Savage	Abutter, owns 95 Crowley Road
12 Jack Court	\$ 2,500	Denise and Richard Vincent	Abutter, owns 11 and 13 Jack Court
147 Sabattus St	\$ 2,000	Suzanne Blais	Abutter, tenant parking 133 Sabattus, 3 Shawmut

Amounts received from these sales shall be credited to the General Fund toward taxes previously owed to the City.



**Purchasing Agent**  
Allen Ward  
[award@lewistonmaine.gov](mailto:award@lewistonmaine.gov)  
207-513-3040

**to:** Edward Barrett, City Administrator  
**from:** Allen Ward, Purchasing Agent  
**subject:** Bid 2018-036 Sale/Reuse of Various City Owned Parcels  
**date:** May 8, 2018

The City Council tax acquired the following now land only parcels at 12 Anger Street, 91 Crowley Road, 8 Doyon Ave, 12 Doyon Ave, 14 Glenview Ave, 12 Jack Court, and 147 Sabattus Street and authorized their sale through the sealed bid process subject to positive recommendations by the Planning Board.

The favorable recommendations from the Planning Board for these properties are all within the three year recommendation time limit rule for sale of these properties. No minimum bids were set for any of these parcels.

I have listed current assessed value and parcel restrictions below.

<b>Parcel</b>	<b>Assessed Value</b>	<b>Restrictions</b>
12 Anger St	\$ 1,920	No frontage, located on paper street, not developable
91 Crowley Rd	\$ 11,520	Undevelopable without variance
8 Doyon Ave	\$ 7,900	No frontage, located on paper street, not developable
12 Doyon Ave	\$ 7,150	No frontage, located on paper street, not developable
14 Glenview Ave	\$ 4,800	No frontage, located on paper street, not developable
12 Jack Court	\$ 7,680	Limited development options due to space and bulk standards
147 Sabattus St	\$ 25,240	Residential zone NCB, limited development, single family up to 4 units

A bid was advertised on the City web page and through a direct mailing sent to abutters within a 300' radius and other interested parties.

Bids were due on May 8, 2018 and I have attached a summary of all bids received.

<b>Parcel</b>	<b>Bid</b>	<b>Bidder</b>	<b>Reuse</b>
12 Anger St	\$ 2,000	Wallace and Diane Haugen	Abutter, owns 48 Stanley
	\$ 500	Sarah Card	Abutter, owns 32 Stanley
91 Crowley Rd	\$ 2,000	Nicole Savage	Abutter, owns 95 Crowley Road
8 Doyon Ave	\$ N/A		
12 Doyon Ave	\$ 2,000	Josh Stoechner	New home, not option land undevelopable
14 Glenview Ave	\$ 2,000	Josh Stoechner	New home, not option land undevelopable
12 Jack Court	\$ 2,500	Denise and Richard Vincent	Abutter, owns 11 and 13 Jack Court
	\$ 300	Josh Stoechner	Abutter, owns 24 Blake Street
147 Sabattus St	\$ 2,000	Suzanne Blais	Abutter, tenant parking 133 Sabattus, 3 Shawmut

All bids meet the bid requirements including security with the exception of the bid Ms. Card bid for 12 Anger Street, where her bid deposit was a personal check not a bank cashier check

It is recommended that the City Council accept the following offers for the sale and reuse of various City Owned Parcels by means of Quit Claim Deeds for the parcels.

<b>Parcel</b>	<b>Bid</b>	<b>Bidder</b>	<b>Reuse</b>
12 Anger St	\$ 2,000	Wallace and Diane Haugen	Abutter, owns 48 Stanley
91 Crowley Rd	\$ 2,000	Nicole Savage	Abutter, owns 95 Crowley Road
12 Jack Court	\$ 2,500	Denise and Richard Vincent	Abutter, owns 11 and 13 Jack Court
147 Sabattus St	\$ 2,000	Suzanne Blais	Abutter, tenant parking 133 Sabattus, 3 Shawmut

I will notify Josh Stoechner about his bids for 12 Doyon Ave and 14 Glenview Ave not being an option given the not developable status of these two parcels. I tried to direct inquiries to Code Enforcement for development restrictions when I received inquiries. Seems he did not make the inquiry given the intent of his offers.



City of Lewiston  
Internal GIS Viewer

12 ANGER



91 Crowley







147 Sabattus



# LEWISTON CITY COUNCIL

## MEETING OF MAY 15, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 12**

**SUBJECT:** Resolve, Authorizing the City Administrator to Enter into a Fence Agreement with Mill 6 Development Co. LLC.

**INFORMATION:**

Kate and Paul Landry of Fishbones Restaurant are installing a patio at their restaurant that abuts the City's canal property to provide an outside dining area and additional event space for catered functions. As part of these improvements, they intend to replace the existing fencing and guardrail along the canal with decorative security fencing. They have also proposed improving and maintaining the landscaping between the fence and the canal wall, an area owned by the City. Attached please find a site plan and example of the proposed fencing.

Given that these improvements will actually be on property owned by the Mill 6 Development Co. LLC, an agreement with that entity is required. The proposed agreement permits removing and replacing the existing fence and replacing it with a fence approved by the City that will be owned by the City; obligating the LLC to maintain the fence and indemnifies the City against any claims relating to the work or future maintenance of the area.

This will benefit a local business while improving a section of the City's canal and minimizing the level of City maintenance required.

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

The City Administrator recommends approval of the requested action.

*EAB/16mm*

**REQUESTED ACTION:**

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To approve the Resolve, Authorizing the City Administrator to Enter into a Fence Agreement with Mill 6 Development Co. LLC.



COUNCIL ORDER

**Order,** Authorizing the City Administrator to Enter into a Fence Agreement with Mill 6 Development Co. LLC

Whereas, the owners of Fishbones Restaurant are installing a patio at their restaurant that abuts the City's canal property to provide an outside dining area and additional event space for catered functions; and

Whereas, as part of these improvements, they intend to replace the existing fencing and guardrail along the canal with decorative security fencing and to improve and maintaining the landscaping on the City's property between the fence and the canal wall; and

Whereas, since the Fishbones property is leased from Mill 6 Development Co LLC, the agreement to install the fence and other improvements on City property must be with Mill 6; and

Whereas, this project will benefit a local business while improving a section of the City's canal and minimizing the level of City maintenance required.

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

The City Administrator is hereby authorized to Enter into a fence agreement with Mill 6 Development Co. LLC in a form substantially as attached hereto.

## Fence Agreement

This Fence Agreement, dated as of May \_\_, 2018, is between the City of Lewiston, a body corporate and politic organized and existing under the laws of the State of Maine, with a mailing address of 27 Pine Street, Lewiston, Maine 04240 (the "City") and Mill 6 Development Co. LLC, a limited liability company organized and existing under the laws of the State of Maine, with a place of business at \_\_\_\_\_ ("Owner").

Whereas the parties have agreed upon the terms and conditions pursuant to which a fence owned by the City and located on land owned by the City and adjacent to Cross Canal and bordering property of Owner located at 70 Lincoln Street, the location of which is further identified on the drawing attached as Exhibit 1, will be removed and replaced by Owner, the parties agree as follows:

1. The City agrees to permit the removal and replacement of the fence by Owner or by Owner's tenant.
2. Removal of the fence shall be undertaken by a contractor selected by Owner and in compliance with safe construction practices. Reasonable measures shall be taken by the Owner or its Contractor to prevent access to the canal during the removal time period. Any contractors retained by Owner either for removal or reconstruction of the fence shall have contractor's liability insurance that is reasonably acceptable in all respects to the City. The City shall be named as an additional insured with respect to such insurance and Owner agrees to provide a Certificate of Insurance upon request.
3. Owner will replace the fence. The design of the replacement fence shall be reviewed and approved by the City in advance. The replacement fence will comply with all applicable zoning and permitting requirements, and suitable from an aesthetic and safety standpoint to the City in all respects. This Agreement does not constitute a permit. Owner must obtain a fence permit through standard City procedures.
4. The parties agree that the replacement fence is a "fixture" and will be owned by the City.
5. Notwithstanding the City's ownership of the replacement fence, the Owner shall be obligated to maintain the fence in all respects. In the event that the Owner fails to do so, as determined by the City in its sole discretion, the City reserves the right, at its option, to act unilaterally to undertake any repairs to the fence and then charge the Owner for the cost of any such action.
6. Owner agrees to defend and indemnify the City, including reasonable attorney fees, against any claims arising out of Owner's construction activities, or repair, replacement, or maintenance of the fence, or any claims arising out of Owner's maintenance, landscaping or gardening activities or other activities of any kind within the boundaries of property owned by the City.
7. The City reserves the right to terminate this Agreement upon a breach by Owner, not cured within thirty days' written notice. In addition, the City shall have the right to terminate this Agreement upon a change in ownership of the 70 Lincoln Street property, unless any

subsequent owner of 70 Lincoln Street agrees to assume the responsibilities of the Owner under this Agreement.

8. This Agreement may only be amended through a writing, signed by both parties. No waiver of any right of a party to this Agreement shall be effective unless such waiver is in writing. This Agreement constitutes the entire Agreement of the parties. In any action to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney fees and costs.

Mill 6 Development Co LLC

City of Lewiston

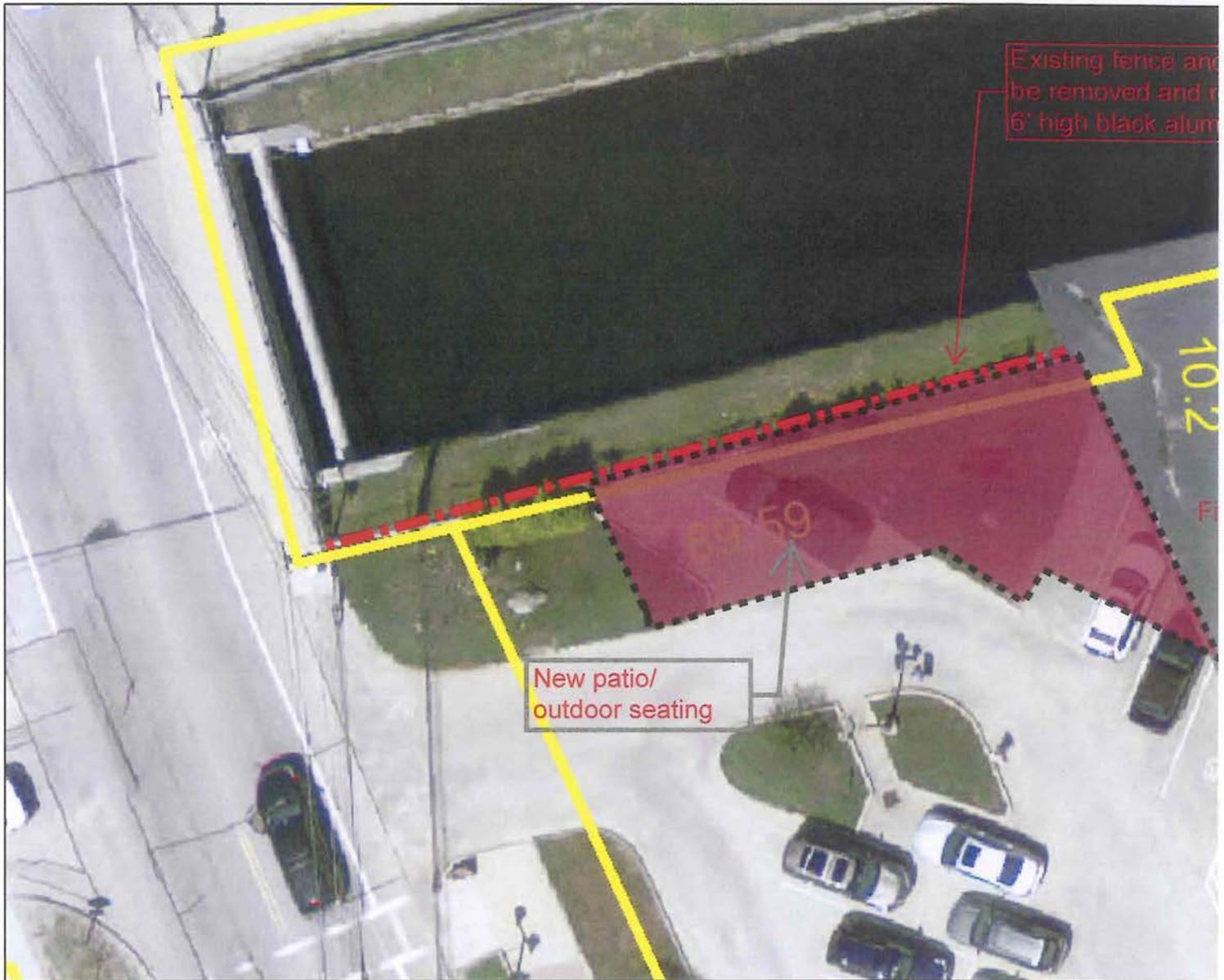
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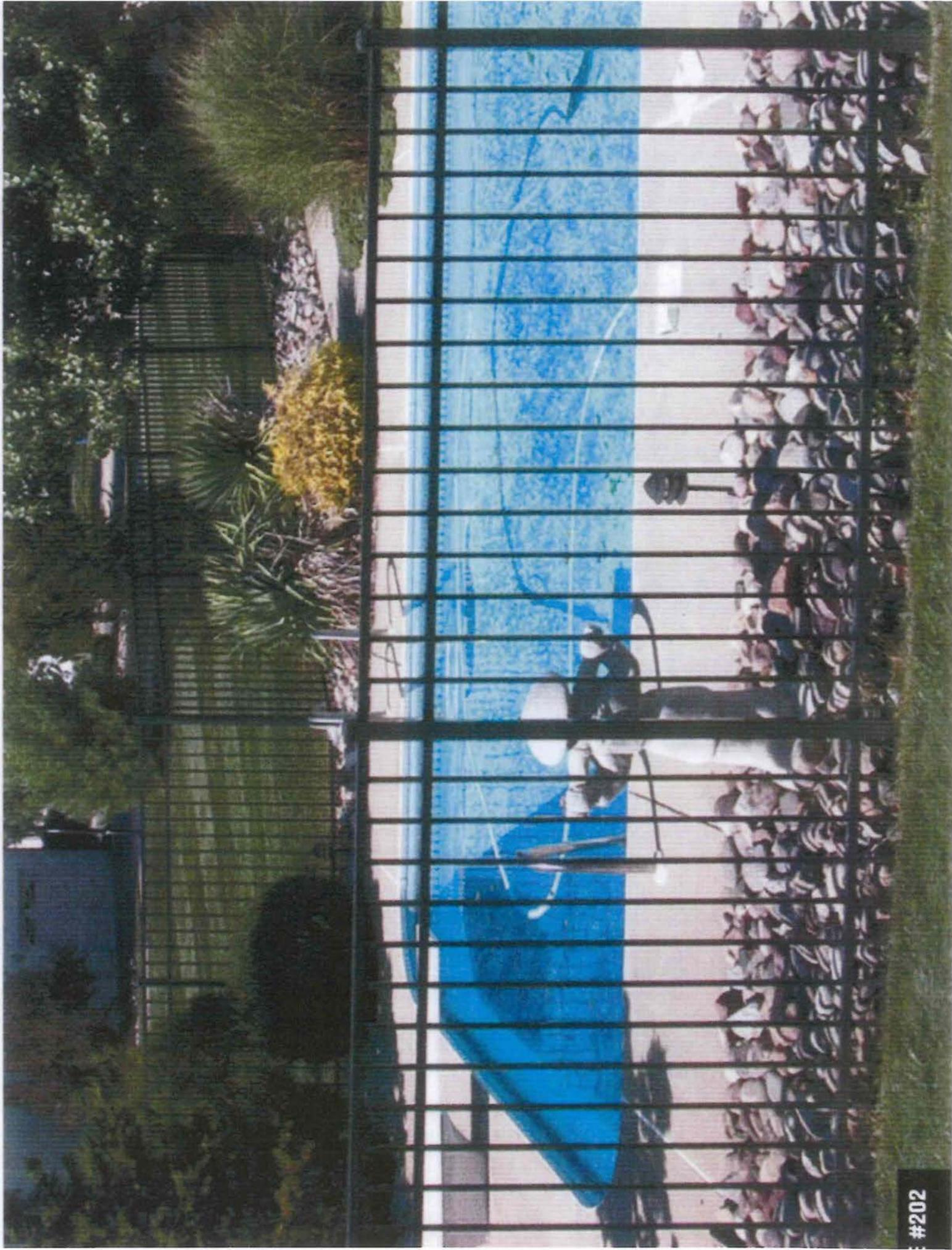
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# Fishbones Fence and Patio



May 9, 2018

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Lewiston, Maine  
Lewiston Maine



# LEWISTON CITY COUNCIL

MEETING OF MAY 15, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

**SUBJECT: Resolve,** Authorizing the \$59,000 Recently Appropriate from Fund Balance for the Local Share of the Maine DOT East Ave Project to be Reallocated to the Local Share of the Maine DOT Project to Resurface Crowley Road (South Lisbon Rd to Town Line).

**INFORMATION:** The City Council recently approved an appropriation from fund balance to cover the local share of a state project planned for East Avenue. We have subsequently learned that this project will not be done until Fiscal 2020 at the earliest. At the same time, the Maine DOT work plan for this year included a paving project on Crowley Road in Lewiston, Lisbon, and Sabattus. That project was shown as 100% state and federally funded and, as it recently began, City staff noticed that project signage indicated that it would end before the Lewiston section. City staff contacted MDOT for an explanation. It appears that MDOT miscommunicated and that since the Lewiston section of Crowley is within the designated Urban Contact Area, it is not eligible for full state and federal funding and, absent a local share, could not be included in the state project. The state, however, recognized their miscommunication and indicated that if the City would pay for the asphalt, MDOT would cover all other project costs including labor and contract administration. This represents a significant cost reduction in what the project would cost if undertaken by the City alone, roughly the difference between \$75 per placed asphalt ton and \$60 per ton. Given this, Public Works has recommended that the funding for East Avenue be redesignated for Crowley Road.

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

The City Administrator recommends approval of the requested action.

*EAB/Kmm*

**REQUESTED ACTION:**

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To approve the Resolve, Authorizing the \$59,000 Recently Appropriate from Fund Balance for the Local Share of the Maine DOT East Ave Project to be Reallocated to the Local Share of the Maine DOT Project to Resurface Crowley Road (South Lisbon Rd to Town Line).



COUNCIL RESOLVE

**Resolve,** Authorizing the \$59,000 Recently Appropriate from Fund Balance for the Local Share of the Maine DOT East Ave Project to be Reallocated to the Local Share of the Maine DOT Project to Resurface Crowley Road (South Lisbon Rd to Town Line).

Whereas, the Maine DOT 2018 Work Plan included a project to do Highway Paving on Crowley Road in Lewiston, Lisbon, and Sabattus beginning at the Bowdoin Town Line and extending 5.67 miles; and

Whereas, this project is 100% Federal and State funded; and

Whereas, Maine DOT officials communicated with the City that this included the part of Crowley Road in Lewiston from South Lisbon Road to the town line; and

Whereas, the project is now in the preparation phase, and City staff noticed the signs showed the end of construction to be at the town line and did not include the portion of the road in Lewiston; and

Whereas, City staff questioned Maine DOT, and they apologized for their miscommunication and offered to pay for all of the preparation work and labor for the Lewiston section of the road if the City would pay for the asphalt mix; and

Whereas, this section of Crowley Road is within the Urban Compact Area and, as a result, does not qualify for the 100% state/federal funding; and

Whereas, the cost to the City would be ~\$60 per ton installed, which is much less than the ~\$75 per ton the City is paying for similar work and which also includes all the preparation and contract administration costs; and

Whereas, a recently approved fund balance expenditure for \$59,000 was designated for the local share of the Maine DOT East Ave project included in the City's Capital Improvement Plan, which City staff recently learned will not be funded by Maine DOT until FY2020 at the earliest, making this funding available for other projects;

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

The amount of \$59,000 previously designated for the local share of the Maine DOT East Ave project is hereby repurposed to the local share of the Maine DOT project resurfacing Crowley Road (South Lisbon Rd to Town Line).

# LEWISTON CITY COUNCIL

## MEETING OF MAY 15, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 14**

**SUBJECT:**

Executive Session to review application submitted under Title 36, section 841 (2)

**INFORMATION:**

This agenda item is being continued forth from the April 3 City Council meeting.

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings. The City Council shall meet in executive session to review an application submitted under Title 36, section 841 (2).

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

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

*EPB/kmm*

**REQUESTED ACTION:**

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To enter into executive session to review an application submitted under M.R.S.A., Title 36, section 841 (2).

# LEWISTON CITY COUNCIL

## MEETING OF MAY 15, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 15**

**SUBJECT:**

Request for Abatement of Property Taxes for application submitted under Title 36, section 841 (2).

**INFORMATION:**

Since applications and supporting material submitted under Title 36, section 841 (2) are confidential by state statutes, the Council has received this material separately in executive session.

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

The City Administrator reserves comment on this matter until the Council meeting.

*EA/B/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve (or to deny) a (partial or full) abatement in the amount of \_\_\_\_\_ of property taxes for years \_\_\_\_\_, for Case Number 2018-01; said application submitted under M.R.S.A., Title 36, section 841 (2).

(Complete motion to be determined as a result of the executive session hearing.)