

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
DECEMBER 4, 2018**

6:00 p.m. Workshop

- A. Comprehensive Plan Implementation

6:30 p.m. Executive Session

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

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag

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

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 6.

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

- * 1. Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 42 Charles Street.
- * 2. Appointment to the Lewiston Housing Authority Board of Commissioners.
- * 3. Authorization to accept transfer of forfeiture funds.

REGULAR BUSINESS:

- 4. Public Hearing on applications for a new liquor license and special amusement permit for Live Entertainment for LA Public Theatre, 31 Maple Street.
- 5. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Big Mike's Smoke House, 838 Lisbon Street.
- 6. Ordinance Amending the Code of Ordinances, Article XV, Medical Marijuana – Distribution and Cultivation, to Remove References to Registered Dispensaries and Clarify that the City has not Opted In Under State Law to Authorize Registered Caregiver Retail Stores, Registered Dispensaries, Marijuana Testing Facilities, or Marijuana Manufacturing Facilities.
- 7. Ordinance Amending the Code of Ordinances, Chapter 18, Building and Building Regulations, Article III Property Maintenance Code, Chapter 3, General Requirements – Weeds.
- 8. Ordinance Amending Chapter 70, Traffic and Vehicles, of the Code of Ordinances by Adding a New Section 70-179, On-Street Parking by Permit Only.
- 9. Resolve, Adopting Personnel Policies for the City of Lewiston and Rescinding Various Master Policies to be Replaced.
- 10. Order Authorizing the City Administrator to approve and execute documents for issuing and accepting easements associated with the Bates College STEM Building Construction.
- 11. Reports and Updates.
- 12. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
THURSDAY, DECEMBER 4, 2018
6:00 PM

1. Comprehensive Plan Implementation – 25 minutes

As the City approached the adoption of a new comprehensive plan, funding was made available for assistance toward implementing elements of that plan. This effort was somewhat delayed with the retirement of the prior Planning and Code Director, the promotion of the City's Planner to the Director's position, and hiring a new planner. We have now stabilized the staffing of the Department and would like to take the next steps in implementing the plan. Planning staff will be present to discuss potential projects and seek the Council's thoughts and ideas prior to moving forward. A similar discussion will be held with the Planning Board. Please see the attached memo.

2. Executive Session – Property Development Negotiations – 25 minutes



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor Bouchard and the Lewiston City Council
FROM: Douglas Greene, AICP, RLA; Deputy Director/City Planner
DATE: December 4, 2018
RE: Comprehensive Plan Implementation- Comprehensive Design Standards

The Proposal-

The Planning Staff is proposing to hire a consultant to assist the city in creating a comprehensive set of design standards. The Comprehensive Plan makes a number of recommendations that support changing Lewiston's zoning code and land development regulations that deal with design standards:

- "Regulatory Barriers- Simplify the Code" Pages 226 through 228 provide details on why adopting new design standards can benefit developers and neighborhoods alike (attached)
- "Improving the Quality of Affordable Housing" through Form Based Code (pg. 236)
- "Simplifying and Improving Historic Preservation Regulations and Improve the Effectiveness and Predictability of Design Review" (pg. 240)

Why Change the Current Design Standards?

The current zoning ordinance regulations for historic, site plan, and architectural design elements are out of date, lack specificity, are overly permissive (may vs. shall) or are missing important design elements. This situation forces the Staff and Planning Board to negotiate important design issues with developers on a case by case basis with little regulatory backing. The Historic Preservation Review Board, developers, and property owners would benefit from updating the existing Historic Preservation Design Manual to clarify and simplify what is required for development projects in our historic districts and structures. Staff anticipates this comprehensive approach to updating Lewiston's design standards will create a predictable direction and vision for our future growth.

General Recommendations for the Process-

The attached project overview describes the project's purpose, what would be updated, a proposed selection/project committee, what would be expected from the consultant, an approval process, and a timeline. The funding for this implementation project has been appropriated and the Finance Committee would assist in the consultant selection. The Staff is interested in getting feedback and support from the City Council for this project. Reasonable and effective design standards will be an important part of changing the future appearance and perception of Lewiston in a positive way.



CITY OF LEWISTON

Department of Planning & Code Enforcement

Lewiston Comprehensive Plan Implementation Project Comprehensive Design Standards Proposed Scope of Work

1. Purpose - The project, as recommended in the Comprehensive Plan and Riverfront Island Master Plan, will update and/or create new design standards that will result in predictable, reliable, attractive, and high quality development in Lewiston. The current design regulations are close to 30 years old and are primarily optional, not required. This leaves implementing good design during the development review process as, at best, a negotiated process. Updated standards can be adopted and applied to ensure projects reach a high level of quality while not significantly impacting construction costs. Standards can also assist in reinforcing and protecting land use patterns and character.
2. The Update of Lewiston's Design Standards will include:
 - a. All design related sections of the Zoning and Land Use Ordinance
 - b. The Site Plan Review and Design Guidelines
 - c. The Lewiston Historic Preservation Design Manual
 - d. Possible creation of design or character districts
3. Project Description - The Comprehensive Design Standards Project will include:
 - a. A selection/project committee that includes representation from:
 - City Council
 - Planning Board
 - Historic Preservation Review Board
 - Finance Committee
 - Business and Development Community
 - Interested Citizen representation
 - b. Staff creates scope of work, RFP
 - c. RFP released, consultant selected
 - d. Consultant Process and Deliverables
 - Evaluation of current regulations, other community's design standards
 - Develop new standards and criteria for each design component
 - Create alternatives and draft plan(s)
 - Public meetings and approval process

4. Approval Process
 - a. Design Standard Committee meets on a regular basis
 - b. Finance Committee endorses project and consultant selection
 - c. City Council, Planning Board and Historic Preservation Review Board get updates as work progresses
 - d. Planning Board and Historic Preservation Review Board make recommendations to City Council (Public Hearing)
 - e. City Council makes final decision (Public Hearing)
 - f. Implement new Design Standards and Districts

5. Timeline of approximately 12 months
 - a. Project Development (Scope of Work, RFP)- 1 month
 - b. Consultant Selection- (RFP released, selection of top proposals, interviews, consultant selection, execute contract)- 2 months
 - c. Project development- 8 months
 - d. Project approval- 2 months
 - e. Project Implementation- Upon approval

Regulatory Barriers

The City of Lewiston's zoning code and land development regulations need an "upgrade" to deliver the community vision articulated by the plan. The City's existing zoning does not encourage the range of housing, recreational, retail, and civic opportunities sought by residents. In addition, the City's economic development is hindered by zoning categories which are out of synch with market needs. As a result of the way in which the existing zoning in Lewiston is written, the predominant form of development over the past 30 years has been detached single-family homes on large lots with strip commercial development along the main thoroughfares. Because of this zoning, Lewiston has a limited range of lifestyle options, making it difficult for the City to remain competitive in a national market where preferences have changed and more people desire smaller homes and apartments within walking distance of amenities. While improvements are possible within the boundaries of the existing regulatory system, Lewiston should want to consider a more holistic approach, adding form-based coding to the City's planning and economic development toolkit.

Why Regulatory Change Now?

During the Planapalooza, it became clear that a majority of the community wants to see additional options and higher-quality development in the Downtown, along corridors, and in new, planned centers of activity. While everyone agreed that existing neighborhoods should be preserved to maintain the lifestyle preference of those who like Lewiston the way it is, there was broad consensus that new growth should occur in the form of clearly defined compact, walkable, mixed-use centers as described in the Plan Framework section. This approach allows for greater lifestyle choice so that there is something for everyone. Unfortunately, the current zoning ordinance has limited capacity to enable, encourage, and promote the diversity of high-quality places desired by the community.

Over the years, Lewiston's existing zoning has been amended in a piecemeal fashion to address specific issues as they have come up, without a major rewrite in the roughly 25 years since it was first enacted. Because of this history of "tacking on" amendments, the zoning has many deficiencies and inconsistencies and is difficult to use.

Zoning Today

Like most American cities, Lewiston's current zoning is based in concept on the Standard State Zoning Enabling Act of 1926. Often referred to as "Euclidian" zoning after a 1926 Supreme Court case involving Euclid, OH, its primary purpose is to separate uses. At one time in Lewiston's history, the separation of housing from factories was critical. Today, Euclidian zoning goes too far, separating compatible uses such as homes, businesses, and offices. Because of this mandated separation and the additional requirements for large setbacks and buffers, virtually every errand run outside of downtown Lewiston requires a person to drive. This outcome didn't just happen. Lewiston's version of new development looks strikingly similar to new development across Maine and the country as a direct result of conventional zoning codes, all modeled on the same generic zoning template.

A New Approach

In order to implement this Comprehensive Plan and remove barriers to potential investment, the City should pursue a comprehensive rewrite of its zoning and subdivision ordinances, including form-based components to deal with all aspects of community character and design. While conventional zoning may remain prudent and appropriate in certain areas of the City, the adoption of form-based or “character-based” codes will assist in achieving desired outcomes in appropriate areas.

Creating Mixed-Use Centers

A form-based or “character-based” approach to land use regulation will more effectively yield walkable, compact, diverse, mixed-use environments focused in areas where the City has determined growth should occur. The owner of a shop or office can live above their place of work. Children can walk to their school. People can walk from their homes to a corner store, coffee shop, or restaurant.

In contrast with conventional zoning, which emphasizes separating uses, a form-based code uses character - the look and feel of a place - as the primary organizing principle. Form-based codes take the approach that most uses, which fall into the broad categories of retail, residential, office, civic, even light industrial activities, are compatible, having traditionally coexisted happily in communities for centuries. Given appropriate standards, all of these uses can be located close to each other, except in unique cases where smells or extreme noise are an issue, where the conventional approach of separating uses is appropriate.

Just like conventional zoning, form-based codes set rules and expectations for development by placing more emphasis on character and having a greater appreciation for the complexity and nuance involved in protecting and making great places.

Form-based codes focus on the character and feel of a place, allowing land owners and developers to

build places that contribute to a more sustainable, healthy, and safe community. These include: emphasizing sustainable stormwater systems; alleviating traffic congestion by promoting a more interconnected street network when possible; reducing traffic speeds in areas that are appropriate for pedestrians and cyclists; allowing for easier construction of traditional housing types including apartment buildings and garage apartments; and enabling more intense infill development where there is a local interest in creating centers of activity and maximizing use of existing infrastructure.

Protecting Neighborhoods

While form-based codes can be used to promote infill and new investment in activity centers, they can also be a powerful tool to reinforce and protect existing land use patterns. Where existing suburban neighborhoods already exist, a form-based approach can maintain the current character and existing lifestyle, while making it easier for homeowners to make simple modifications to their home and property. As with any zoning change, existing buildings would be grandfathered until such time as a substantial change is made to a property.

Simplify the Code

CD4 General Urban District — Corridor 2

KEY: - - - Property Line (SDW) — Setback Line

BUILDING PLACEMENT — PRINCIPAL BLDG		LOT OCCUPATION	
Front Setback, Principal	0 ft min, 5 ft max	Lot Width	18 ft min, 200 ft max
Frontage		Lot Coverage	70% max
Front Setback, Secondary	2 ft min, 12 ft max		
Frontage			
Side Setback	0 ft min, 8 ft max		
Rear Setback	greater of 3 ft min or 15 ft from center line of alley		
Frontage Buildout	75% min at front setback		
BUILDING FORM — PRINCIPAL USE, BLDG			
Building Height	3 stories max		
Ground Floor Height	12 ft min, 25 ft max		
Upper Floor Height	10 ft min		
Facade Glazing	X %		
Roof Type	flat, hip, gable		
YARD TYPES			
Eggyard	(see Table S.G.4)		
	permitted		

Another advantage of the form-based coding approach is simplicity. The code is written in plain English rather than in complicated “legal speak” and easy-to-understand diagrams replace pages of text. The goal of a form-based code is to make it clear to the public and to land owners what is allowed. A form-based approach would also help consolidate, simplify, and update Lewiston’s zoning language to reflect the desires of the community, which would promote private-sector investment and expand lifestyle options.

A form-based code tells you what to do instead of telling you what NOT to do. This is a subtle but important difference, both psychologically and practically. If a developer looking to invest in Lewiston knows what the community wants and submits plans that are in keeping with the intent of the Comprehensive Plan, those plans should move more quickly through the approval process, saving time and money.

Because form-based codes emphasize character and the design and context of development, a number of elements are regulated including the height and placement of buildings, the location of parking, the frontage, sidewalk, planting area, drainage, and the street itself. Instead of building setbacks, form-based codes reference where the front of a building should be. Instead of floor-area ratios, form-based codes talk about the appropriate scale and massing of buildings. All of this information is conveyed through easy to understand diagrams or other graphic illustrations.

Structurally, a form-based code is organized according to intensity of development, or Character Districts. A Regulating Plan is generated that identifies the location of Character Districts. The code would include standards for

by-right, non-permitted, special, and accessory uses as well as Public Space Standards (street/sidewalk/parking), Site Development Standards, Architectural Standards, Signage Standards, and Definitions.

In Lewiston, a form-based code would establish Character Districts within the activity centers identified in the Plan Framework section of this document, while retaining the existing character of residential areas in the remainder of City. The character zones would be defined to reflect the community’s desired and goals for development. Within the activity centers, codes can be written to encourage a variety of uses, pedestrian comfort by addressing walkable streets, and a high-quality public realm defined by buildings that have great architectural design. If adoption is successful, Site Plan and Subdivision regulations would likely have to be amended to accommodate the new form-based code.

When properly implemented, new development under a form-based code creates a complete community or adds to existing ones in ways that creates places where people can live, work, and play. Having this kind of tool in place makes it easier to transform the built environment over time as the market calls for new development.



Hire a consultant to produce a form-based code for Lewiston.



Economic & Community Development Department

Planning & Code Enforcement

City Administration

City Council

Planning Board

LEWISTON CITY COUNCIL
MEETING OF DECEMBER 4, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 4, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 42 Charles Street.

INFORMATION:

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

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 42 Charles Street. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payments due for this property have all been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAR/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 42 Charles Street.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 42 Charles Street.

WHEREAS, the owner, Penny L. Dion, failed to pay her bills on a timely basis for 42 Charles Street (Tax Map 147, Lot 013, Parcel 00-007756); and

WHEREAS, a water lien was filed on June 19, 2014 (Book 8936 Page 183) and matured on December 19, 2015 in the amount of \$122.75; and

WHEREAS, a sewer lien was filed on June 19, 2014 (Book 8936 Page 095) and matured on December 19, 2015 in the amount of \$120.78; and

WHEREAS, payment will be received in full at closing;

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

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 42 Charles Street to the owner.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 4, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Appointment to the Lewiston Housing Authority Board of Commissioners.

INFORMATION:

There is one opening on the Lewiston Housing Authority Board of Commissioners and that is a position of tenant representative. A nomination has recently been submitted for a tenant to fill the opening. The Mayor is recommending the following appointment to the Lewiston Housing Authority Board of Commissioners:

- 1) Muhidin Libah, 77 Rideout Street, Apt 6-2, term to expire Oct. 7, 2023

This is a five year appointment.

James Dowling, Executive Director of the Housing Authority, endorses this appointment. These appointments do require Council confirmation.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Appointments to Boards and Committees are a policy decision of the Council.

EMB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To confirm the Mayor's nomination and to appoint the following resident as a member of the Board of Commissioners of the Lewiston Housing Authority:

Muhidin Libah of 77 Rideout Street (term to expire October 7, 2023)

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 4, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

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 \$685.00 or any portion thereof, in the case of the State of Maine vs. Michael Williams, CR-18-2703 Court Records; the transfer of \$2,131.00 or any portion thereof, in the case of the State of Maine vs. Daniel Letourneau, CR-18-187; and the transfer of \$1,235.00 or any portion thereof, in the case of the State of Maine vs. Johnny Walker, CR-18-2985, 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	}	
	}	Municipality of Lewiston
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Michael Williams	}	
Defendant;	}	
	}	
And	}	
	}	
\$685.00 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)

State of Maine	}	
	}	Municipality of Lewiston
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Daniel Letourneau	}	
Defendant;	}	
	}	
And	}	
	}	
\$2,131.00 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 (\$1, 065.50 U.S. Currency), 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)

State of Maine	}	
	}	
v.	}	Municipality of Lewiston
	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Johnny Walker	}	
Defendant;	}	
	}	
And	}	
	}	
\$1,235.00 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 (\$617.50 U.S. Currency), 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 DECEMBER 4, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on applications for a new liquor license and special amusement permit for Live Entertainment for LA Public Theatre, 31 Maple Street.

INFORMATION:

We have received applications for a new liquor license and special amusement permit for Live Entertainment from LA Public Theatre, 31 Maple Street. This liquor license application is for malt and vinous.

The Police Department has reviewed and approved the application.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for LA Public Theatre, 31 Maple Street.

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
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:	
Good SOS & DBA: YES <input type="checkbox"/> NO <input type="checkbox"/>	

PRESENT LICENSE EXPIRES: _____

NEW application: Yes No

If business is NEW or under new ownership, indicate starting date: January 24, 2019

Requested inspection (New Licensees/ Ownership Changes Only) Date Jan. 04, 2019 Business hours: 9 AM to 5 PM

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

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

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>LA Public Theatre, Inc.</u>	Business Name (D/B/A) <u>The Public Theatre</u>
APPLICANT(S) –(Sole Proprietor) <u>Christopher L Schario</u>	DOB: <u>03/20/49</u>
Address <u>34 Fern Street</u>	Physical Location: <u>31 Maple Street</u>
City/Town State Zip Code <u>Auburn ME 04210</u>	City/Town State Zip Code <u>Lewiston, ME 04240</u>
Telephone Number Fax Number <u>207-577-1256</u>	Mailing Address <u>Same</u>
Federal I.D. # <u>01-0466131</u>	City/Town State Zip Code <u>Auburn ME 04210</u>
Email Address: Please Print <u>info@thepublictheatre.org</u>	Business Telephone Number Fax Number <u>207-782-2211 207-784-8671</u>
	Seller Certificate #: or Sales Tax #: <u>1194776</u>
	Website: <u>www.thepublictheatre.org</u>

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
- Is applicant a corporation, limited liability company or limited partnership? YES 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
- Do you permit dancing or entertainment on the licensed premises? YES NO

6. Do you own or have any interest in any another Maine Liquor License? Yes No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # _____ Name of Business _____

Physical Location _____ City / Town _____

7. If manager is to be employed, give name: _____

8. Business records are located at: 31 Maple Street, Lewiston, ME 04240

9. Is/are applicants(s) citizens of the United States? YES NO

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

11. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
Adam P. Blais	09/10/89	Lewiston ME
Christopher L. Schario	03/20/49	Canton, Ohio

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

Name: Adam P. Blais	City: Lewiston	State: ME
Name: Christopher L. Schario	City: Auburn	State: ME

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

14. Will any law enforcement official benefit directly in your license, if issued?

Yes No If Yes, give name: _____

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

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

L.A. Public Theatre, Inc. 31 Maple Street, Lewiston ME 04240

17. Describe in detail the premises to be licensed: (On Premise Diagram Required) Live performing

Arts Center

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

YES NO Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .5 miles

Which of the above is nearest? School

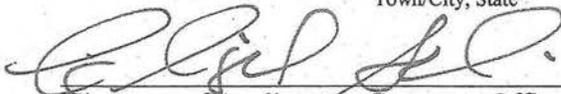
20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: _____

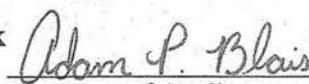
The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

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: _____ on _____, 20____
Town/City, State Date


 Signature of Applicant or Corporate Officer(s)
CHRISTOPHER SCHARIO
 Print Name

Please sign in blue ink


 Signature of Applicant or Corporate Officer(s)
Adam P. Blais
 Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)	\$ <u>10.00</u>
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants: Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ <u>220.00</u>
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ <u>220.00</u>
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	

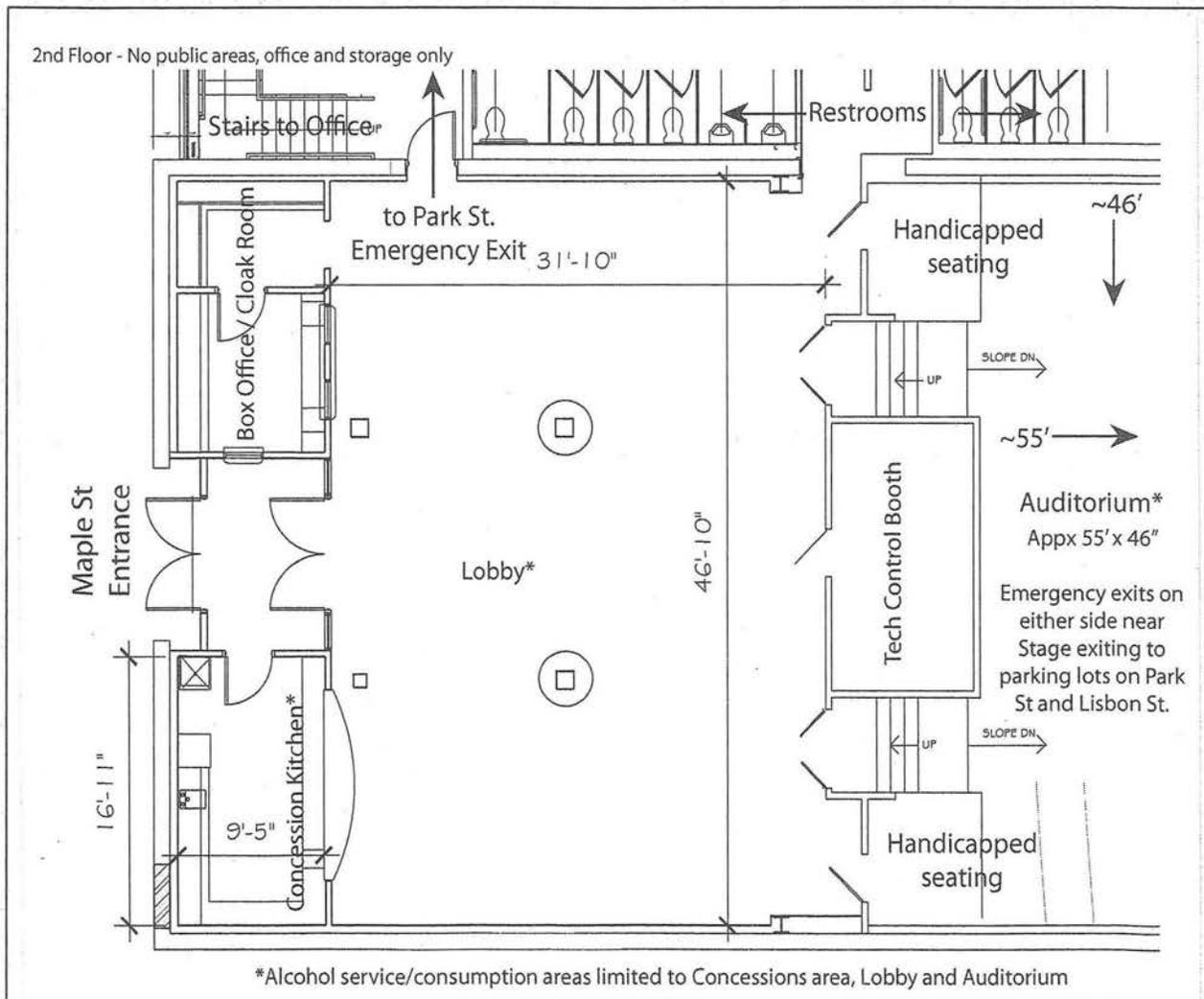
UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.**



ON PREMISE DIAGRAM
 (Facility Drawing/ Floor Plan)

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 with the following: • **Entrances** • **Office area** • **Kitchen** • **Storage Areas** • **Dining Rooms** • **Lounges** • **Function Rooms** • **Restrooms** • **Decks** • **All Inside and Outside areas that you are requesting approval.**





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

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

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

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

Please clearly complete this form in its entirety.

- Exact legal name: LA Public Theatre, Inc.
- Doing Business As, if any: The Public Theatre
- Date of filing with Secretary of State: 09/24/91 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Jennifer Malloy	Auburn, ME 04210	11/07/79	President	0
Adam P. Blais	Lewiston, ME 04210	09/10/89	Vice President	0
Candace Walworth	Lewiston, ME 04240	10/27/44	Secretary	0
Thomas Platz	Auburn, ME 04210	9/21/51	Treasurer	0

(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. 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

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Adam P. Blais

Signature of Owner or Corporate Officer

11/14/18

Date

Adam P. Blais

Print Name of Owner or Corporate Officer

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

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 11-15-18

Expiration Date: _____

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

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

****PLEASE PRINT****

Business Name: LA Public Theatre, Inc Business Phone: 207-782-2211

Location Address: 31 Maple Street, Lewiston, ME 04240

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

Mailing Address: 31 Maple Street, Lewiston, ME 04240

Email address: info@thepublictheatre.org

Contact Person: Christopher Schario Phone: 207-577-1256

Owner of Business: _____ Date of Birth: _____

Address of Owner: _____

Manager of Establishment: Christopher Schario Date of Birth: 03/20/49

Owner of Premises (landlord): The Public Theatre, Inc
(LA)

Address of Premises Owner: 31 Maple Street, Lewiston, ME 04240

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No

If yes, list the name(s) of employee(s) and department(s): _____

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

...partner, partner, associate, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? Yes No If yes, please explain: _____

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

Corporation Name: L A Public Theatre, Inc d/B/A The Public Theater

Corporation Mailing Address: 31 Maple Street, Lewiston, ME 0424

Contact Person: Christopher Schario Phone: 207-782-2211

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

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

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: 01/24/19

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

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

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

Signature: [Handwritten Signature] Title: Executive Director Date: 11-15-2018

Printed Name: Christopher C. Schario

Hearing Date: 12/4/2018

CITY OF LEWISTON

PUBLIC NOTICE

A hearing on the following liquor license applications will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, December 4, 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.

LA Public Theatre
31 Maple Street
LA Public Theatre, Inc., owner

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

PUBLISH ON: November 28, 29 & 30, 2018

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



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St. Pierre, Support Services

DT: November 27, 2018

RE: Liquor License/Special Amusement Permit – **LA Public Theater, Inc**

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

LA Public Theater, Inc
31 Maple St., Lewiston, Maine



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



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 4, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Big Mike's Smoke House, 838 Lisbon Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Big Mike's Smoke House, 838 Lisbon Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Big Mike's Smoke House, 838 Lisbon Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 11/21/18

Expiration Date: 11/30/2019

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

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

****PLEASE PRINT****

Business Name: BIG Mike's Smoke House LLC Business Phone: 240-8334
(DBA The PIT)
Location Address: 838 Lisbon Street Lewiston ME 04240

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

Mailing Address: 60 Vinery Road Auburn, ME 04210

Email address: MVSmokehouse1@gmail.com

Contact Person: Michael Berube Phone: 240-8334

Owner of Business: Michael Berube Date of Birth: 2/10/63

Address of Owner: 60 Vinery Rd Auburn, ME 04210

Manager of Establishment: BRAD BERUBE Date of Birth: 12/31/98

Owner of Premises (landlord): Jon Lee

Address of Premises Owner: 5050 Belmont Ave - Yungstown Off. 44505

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

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

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

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

Corporation Name: BIG Mike's Smoke House LLC

Corporation Mailing Address: 60 Vickery Rd Auburn, ME 04210

Contact Person: Michael Berube Phone: 240-8334

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 300 FT

Please describe the type of proposed entertainment:

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

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

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

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

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

Signature: Michael Berube Title: owner Date: 11/20/18

Printed Name: Michael Berube

Hearing Date: 12/4/18



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: October 5, 2018

RE: Liquor/Special Amusement Permit – **Big Mike's Smoke House**

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

Big Mike's Smoke House
838 Lisbon St., Lewiston



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



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 4, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT: Ordinance, Amending the Code of Ordinances, Article XV, Medical Marijuana– Distribution and Cultivation, to Remove Reference to Registered Dispensaries and Clarify that the City has not Opted In Under State Law to Authorize Registered Caregiver Retail Stores, Registered Dispensaries, Marijuana Testing Facilities, or Marijuana Manufacturing Facilities.

INFORMATION: The City Council has held initial discussions on the direction the City should take in regard to both medical and recreational marijuana given that, in many instances, the City must affirmatively opt in to allow certain marijuana facilities to operate here. The revised state laws on both medical and recreational operations will go into effect on December 13. The City also adopted a moratorium on medical marijuana retail stores that will run until early January. Given that there are a considerable number of decisions required by the Council, it is unlikely that we will have a fully developed regulatory scheme in place prior to the expiration of the current moratorium. We also wish to be assured that the City’s current medical marijuana ordinance does not inadvertently authorize certain types of operations (such as a registered dispensary) without the Council taking a formal action. This ordinance amendment is intended to ensure that no further marijuana operations open in Lewiston prior Council action and, second, to continue the discussion of what our eventual regulatory scheme will be. Attached is a copy of the City’s current medical marijuana ordinance showing the proposed amendments. We recommend that this be adopted to serve as a placeholder pending development of a full approach to marijuana in Lewiston.

The attached ordinance was passed at first reading on November 20th. Since then, we have identified a need to amend section 22-444 as shown in the following markup:

Sec. 22-444. Other Marijuana Related Facilities and Operations Not Authorized

Notwithstanding any other provision of the City Code of Ordinances, the city has not opted in under state law (22 M.R.S. Section 2429-D) to authorize any registered caregiver retail stores, registered dispensaries, marijuana testing facilities, or marijuana manufacturing facilities prior to and after December 13, 2018, except those for which as permit application was submitted specifically permitted under a permit issued by the City prior to November 20, 2018 and which are operating on or before December 13, 2018 or as specifically authorized by ordinance on or after December 13, 2018.

This change is needed to recognize those who applied for a permit prior to the date this ordinance was first read (November 20, 2018) but whose application may have still been pending as of that date.

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 (1) the proposed Ordinance Amendment to Remove References to Registered Dispensaries and Clarify that the City has not Opted In Under State Law to Authorize Registered Caregiver Retail Stores, Registered Dispensaries, Marijuana Testing Facilities, or Marijuana Manufacturing Facilities be further amended as proposed and that, following a public hearing, it receive final passage by a roll call vote.

Ordinance, Amending the Code of Ordinances, Article XV, Medical Marijuana – Distribution and Cultivation, to Remove References to Registered Dispensaries and Clarify that the City has not Opted In Under State Law to Authorize Registered Caregiver Retail Stores, Registered Dispensaries, Marijuana Testing Facilities, or Marijuana Manufacturing Facilities.

The City of Lewiston hereby ordains that Article XV of the Code of the City of Lewiston is amended as follows:

ARTICLE XV. MEDICAL MARIJUANA – DISTRIBUTION AND CULTIVATION

Sec. 22-420. Purpose.

The purpose of this chapter is to implement the Maine Medical Use of Marijuana Act (“Act”) and to protect the public health, safety, and welfare of the residents and patients of the City of Lewiston by prescribing the manner in which the cultivation and distribution of medical marijuana can be conducted in the City. Further, the purpose of this chapter is to:

Provide for the safe sale and distribution of marijuana to patients who qualify to obtain, possess and use marijuana for medical purposes under the Maine Medical Marijuana Act.

Protect public health and safety through reasonable controls on marijuana cultivation and distribution operations as they relate to noise, air and water quality, food safety, neighborhood and patient safety, security for the operation and its personnel, and other health and safety concerns.

Impose fees to cover the cost to the City of licensing the cultivation and distribution of medical marijuana in an amount sufficient for the City to recover its costs of the licensing program.

Adopt a mechanism for the monitoring compliance with the provisions of this chapter.

Sec. 22-421. Applicability.

This article shall apply to any ~~registered dispensary and any~~ registered ~~primary~~ caregiver located and doing business in the City of Lewiston, and to any registered patient residing within the city.

Sec. 22-422. Definitions.

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

Cardholder means a ~~registered patient, a registered primary caregiver or a principal officer, board member, or employee of a registered dispensary~~ person who has been issued and possesses a valid registry identification card from the State of Maine.

Department means the State Department of ~~Administrative and Financial~~ Health and Human Services or any successor agency.

BUSINESSES

City Department means any or all of the chief of police, the fire chief, the director of planning and code enforcement and their designees who administer the provisions of this chapter.

Disqualifying ~~drug~~-offense means a conviction for a violation of a state or federal ~~controlled substance~~-law that is a crime punishable by imprisonment for one year or more. It does not include ~~an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten (10) or more years earlier; or~~ an offense that consisted of conduct that would have been permitted under this chapter.

Enclosed, locked facility means a closet, room, or other enclosed area within a building, or an enclosed locked facility within a greenhouse, that is equipped with locks or other security devices that permit access only by a cardholder.

Food Establishment means a factory, plant, warehouse, or store in which food and food products are manufactured, processed, packed, held for introduction into commerce, or sold and includes a caregiver and a registered dispensary that prepares food containing marijuana for medical use by a qualifying patient. It does not include a caregiver conducting an activity for a qualifying patient who is a member of the family as defined in MRS Title 22 Section 2422 5-A.

Marijuana means the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination.

Marijuana plant means a harvestable female marijuana plant that is flowering and is greater than twelve inches in height and twelve inches in diameter.

Medical use means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered patient's ~~debilitating medical condition diagnosis~~ or symptoms ~~associated with the registered patient's debilitating medical condition. For which a medical provider has provided the qualifying patient a written certification.~~

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.

Patient means a person whose physician has provided a written certification to the Department for the patient's medical use of marijuana.

Physician means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to 32 M.R.S.A. Chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant 32 M.R.S.A. Chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

Physician's written certification means a document signed by a physician stating that in the

BUSINESSES

physician's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

Prepared marijuana means the dried leaves and flowers of the marijuana plant, and any mixture or preparation of those dried leaves and flowers, including but not limited to tinctures, ointments, and other preparations. It does not include the seeds, stalks and roots of the marijuana plant or other ingredients in goods prepared for human consumption or use.

Registered dispensary or dispensary means a not-for-profit entity registered pursuant to State Law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia, or related supplies and educational materials to ~~qualifying~~ ~~registered~~ patients who have designated the dispensary to cultivate marijuana for their medical use and to the registered primary caregivers of those patients.

Registered patient means a patient who has a registry identification card issued by the State of Maine.

Registered primary caregiver or primary caregiver means a person, a hospice provider licensed under Title 22 M.R.S.A. chapter 1681 or a nursing facility licensed under Title 22 M.R.S.A. chapter 405 that provides care for a registered patient and that has been named by the registered patient as a primary caregiver to assist with a registered patient's medical use of marijuana. A person who is a primary caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

Registered primary caregiver operation means a registered primary caregiver that cultivates marijuana for 2 or more registered patients pursuant to State law.

Registry identification card means a document issued by the department that identifies a person as a registered patient, registered primary caregiver, or a principal officer, board member, or employee of a registered dispensary.

School means a building together with its contiguous accessory buildings and uses for the education and learning of children. Uses within the meaning of this definition shall include private and public preschool, elementary, middle and high school.

State Law means the Act and any rules and regulations issued by the Department under the Act.

Sec. 22-423. Medical marijuana license required.

No person shall engage, operate or conduct the business of ~~a registered dispensary or a registered primary caregiver operation~~ in the city unless such person has first acquired a license in accordance with this Article.

Sec. 22-424. Food establishment license.

A registered ~~dispensary and a registered~~ primary caregiver must obtain a food establishment license, pursuant to 22 Maine Revised Statutes section 2167, prior to preparing goods containing marijuana for medical use for a registered patient.

Sec. 22-425. ~~Reserved—Application requirements for registered dispensary.~~

~~This section governs the license application requirements for a registered dispensary. All applications for licenses under this article shall be filed with, and in a form satisfactory, to the city clerk. Such application shall include, but is not limited to the following:~~

- ~~(1) Name, address, date of birth and contact information, including a phone number of the applicant and all other persons having a legal interest in the registered dispensary and the individual(s) hired by the applicant to manage these operations, if any. A photograph and a copy of a valid registry identification card issued by the State of Maine are required for each principal officer, board member, agent and employee of a registered dispensary.~~
- ~~(2) The location of the premises for which a license is sought identified by city tax map number and street address and a copy of the property deed and demonstration of right, title or interest for use of the property as a registered dispensary.~~
- ~~(3) The dimensions and acreage of the property.~~
- ~~(4) A copy of a site plan, drawn to a scale of 50 feet or less to the inch, which contains the following information:

 - ~~(a) The boundary lines of the property for which a license is sought.~~
 - ~~(b) The location of all existing and proposed buildings and structures.~~
 - ~~(c) The location of all existing and proposed parking areas and walkways and any other site improvements.~~
 - ~~(d) The location and characteristics of all existing and proposed vegetation to be maintained for required screening.~~
 - ~~(e) The location and characteristics of all existing and proposed fencing to be maintained for required screening.~~
 - ~~(f) The location and characteristics of all vehicular entrances and exits serving the property.~~~~
- ~~(5) A site location map at a scale of not greater than 1" to 100' showing any public or private school located within 500 feet of the proposed registered dispensary.~~
- ~~(6) A detailed description of the proposed cultivation and/or distribution of medical marijuana to include the following: number of qualified registered patients to be served, registered patient services, staffing requirements, security provisions, hours of operation, anticipated parking demand, peak hour traffic, identification of other required licenses, floor plans, etc.~~
- ~~(7) Identification of any other approvals required by the City of Lewiston, any state agency or department, or any federal agencies.~~
- ~~(8) A nonrefundable application fee in accordance with the city's policy manual as prescribed by the city council and an original and 15 copies of the license application and all supporting documentation.~~
- ~~(9) Evidence of registered dispensary incorporation under Title 13B and evidence that the corporation is in good standing with the Secretary of State;~~

Sec. 22-426. Background checks.

BUSINESSES

The city clerk shall order background checks of ~~each principal officer, board member and employee of a registered dispensary and~~ a registered primary caregiver engaged in the cultivation of marijuana for two or more registered patients. Updated background checks shall be conducted annually at the time of license renewal. Background checks shall be conducted in each state where such individuals have resided since the age of 18.

Sec. 22-427. ~~Reserved~~ **Limitation on number of dispensaries.**

~~Not more than one registered dispensary shall be licensed to operate within the City of Lewiston. The registered dispensary must cultivate and distribute medical marijuana from one location.~~

Sec. 22-428. ~~Reserved~~ **Requirements for registered dispensary.**

~~A registered dispensary shall conform to the following provisions:~~

- ~~(1) It shall comply at all time and in all circumstances with State Law.~~
- ~~(2) It shall not be located within 500 feet of the property line of a preexisting public or private school;~~
- ~~(3) It shall keep marijuana plants in an enclosed, locked facility not visible from outside of the premises where the plants are grown to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana at the registered dispensary;~~
- ~~(4) Access to the enclosed, locked facility shall be limited to a cardholder who is a principal officer, board member, or employee of a registered dispensary when acting in his or her official capacity~~
- ~~(5) It shall implement appropriate security and safety measures provisions in accordance with Sec. 22 431 and any city department rules regarding security and safety to the satisfaction of the city department to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana at the registered dispensary;~~
- ~~(6) It shall obtain all necessary building, electrical, plumbing and mechanical permits for any portion of the structure that contains electrical wiring, lighting and/or watering devices that support the cultivation of marijuana;~~

Sec. 22-429. **Application requirements for registered primary caregiver operation.**

This section governs the license application requirements for a registered primary caregiver operation. All applications for licenses under this article shall be filed with, and, in a form satisfactory, to, the city clerk. Such application shall include, but is not limited to the following:

- (1) Name, address, date of birth, and contact information, including a phone number and email address of the registered primary caregiver. A photograph and a copy of a valid registry primary caregiver identification card issued by the State of Maine are required.
- (2) The location of the premises for which a permit is sought identified by city tax map number and street address and a copy of the property deed and demonstration of right, title or interest for use of the property as a registered primary caregiver operation.
- (3) The dimensions and acreage of the property.
- (4) A copy of a site plan, drawn to a scale of 50 feet or less to the inch, which contains the following information:

BUSINESSES

- (a) The boundary lines of the property for which a permit is sought.
 - (b) The location of all existing and proposed buildings and structures.
 - (c) The location of all existing and proposed parking areas and walkways and any other site improvements.
 - (d) The location and characteristics of all vehicular entrances and exits serving the property.
- (5) A site location map at a scale of not greater than 1" to 100' showing any public or private school located within 500 feet of the proposed registered caregiver operation.
 - (6) A detailed description of the proposed cultivation and/or distribution of medical marijuana to include the following: number of qualified registered patients to be served, security provisions, hours of operation, identification of other required licenses, floor plans, etc.
 - (7) Identification of any other approvals required by the City of Lewiston, any state agency or department, or any federal agencies.
 - (8) A nonrefundable application fee in accordance with the city's policy manual as prescribed by the city council and an original and 3 copies of the license application and all supporting documentation.

Sec. 22-430. Requirements for registered primary caregiver operation.

Registered primary caregiver operations shall conform to the following provisions:

- (1) They shall comply at all times and in all circumstances with the provisions of State Law;
- (2) They shall not cultivate marijuana within or on the property of a multifamily dwelling;
- (3) They shall not cultivate marijuana within 500 feet of the property line of a preexisting public or private school;
- (4) They shall keep marijuana plants in an enclosed, locked facility not visible from outside of the premises where the plants are grown to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana ~~from~~ the registered primary caregiver operation, unless the plants are being transported because the primary caregiver is moving;
- (5) They shall comply with security and safety related provisions contained in Sec, 22-431 and any city department rules regarding security and safety;
- (6) They shall obtain all necessary building, electrical, plumbing and mechanical permits for any portion of the structure that contains electrical wiring, lighting and/or watering devices that support the cultivation of marijuana;
- (7) They shall be equipped with the air handling and treatment equipment necessary to ensure that odor from marijuana plants or other marijuana products will remain confined within the premises and not be detectable at the property line.

Sec. 22-431. ~~Dispensary and p~~Primary caregiver operation security and safety - protections of premises and persons.

A ~~registered dispensary and~~ registered primary caregiver operation shall implement appropriate security and safety measures to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana. Security measures to protect the premises, registered patients, registered primary caregivers, and employees of registered primary caregivers~~principal~~

BUSINESSES

~~officers, board members and employees of the registered dispensary~~ shall include but are not limited to the following:

- (1) On-site parking in accordance with Appendix A, Article XII, Sec. 17(d) of the Code of Ordinances of the City of Lewiston (hereinafter referred to as the Code) shall be provided.
- (2) Exterior lighting shall be provided in accordance with Appendix A, Article XIII, Sec.4 (n) of the Code to deter nuisance activity and facilitate surveillance;
- (3) Devices or a series of devices, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device shall be installed to detect an unauthorized intrusion.
- (4) The interior shall be equipped with electronic monitoring, video cameras, and panic buttons.
- (5) Satisfy all applicable State of Maine and city code requirements such as but not limited to electrical, plumbing, building, ventilation, energy conservation, life safety, mechanical and the environmental performance standards with respect to odors and other environmental considerations as per Appendix A, Article XII, Section 19 of the Code, with the additional requirement that odor from marijuana plants or other marijuana products must be confined within the premises and not detectable at the property line.

Sec. 22-432. Reserved Inspection of Registered Dispensary.

~~A registered dispensary is subject to inspection as follows:~~

- ~~(1) A registered dispensary shall allow the City Department entry without notice to carry out an inspection in accordance with this chapter.~~
- ~~(2) Submission of a license application for a registered dispensary shall constitute permission for entry and inspection.~~
- ~~(3) During an inspection the City Department may identify violations of this chapter, provisions of the Code and State Law. The registered dispensary may receive written notice of the nature of the violations. The registered dispensary shall notify in writing the representative of the City Department identified in such notice with a postmark date within five (5) business days of the date of the notice of violations identifying the corrective actions taken and the date of the correction.~~
- ~~(4) Failure to cooperate with required inspections and to respond to notice of violations as specified shall be grounds for the city clerk or the City Department to temporarily suspend the license of the registered dispensary subject to revocation by the City Council.~~

Sec. 22-433. Inspection of registered primary caregiver operation.

A registered primary caregiver operation is subject to inspection as follows:

- (1) A registered primary caregiver operation shall allow the City Department entry upon 24 hours' notice to carry out an inspection in accordance with this chapter.
- (2) Submission of a license application for a registered primary caregiver operation shall constitute permission for entry and inspection.
- (3) During an inspection, the City Department may identify violations of this chapter, provisions of the Code, and State Law. The registered primary caregiver operation may

BUSINESSES

receive written notice of the nature of the violations. The registered primary caregiver operation shall notify in writing representative of the City Department identified in such notice with a postmark date within five (5) business days of the date of the notice of violations identifying the corrective actions taken and the date of the correction.

- (4) Failure to cooperate with required inspections and to respond to notice of violations as specified shall be grounds for the city clerk or the City Department to temporarily suspend the license of the registered primary caregiver operation subject to revocation by the city administrator.

Sec. 22-434. Denial of application.

The city clerk may deny an application for a license based on the following:

- (1) The applicant's failure to comply with the application requirements set out in these rules, including the applicant's failure to provide the required information; and,
- (2) The determination that the information provided was materially inaccurate or incomplete.

Sec. 22-435. Disqualifying ~~drug~~ conviction.

The City shall not approve a license to ~~a registered dispensary or to~~ a registered primary caregiver operation if ~~any principal officer, board member, agent or employee of a dispensary, or the registered primary caregiver,~~ has been convicted of a disqualifying ~~drug~~ offense in Maine or another jurisdiction.

Sec. 22-436. Revocation of license.

The city clerk or the City Department shall temporarily suspend the license for a ~~registered dispensary or a~~ registered primary caregiver operation that sells, furnishes or gives marijuana to a person who is not allowed to possess marijuana for medical purposes under State Law and for any violations of the provisions contained within this chapter. Grounds for revocation of a license ~~by the city council of a registered dispensary or revocation of a license~~ by the city administrator of a registered primary caregiver operation include the following:

- (1) The ~~dispensary or~~ caregiver is convicted of selling, furnishing, or giving marijuana to a person who is not allowed to possess marijuana for medical purposes in accordance with these rules.
- (2) A registered caregiver ~~or a registered dispensary~~ cardholder is convicted of a disqualifying drug offense.
- (3) A ~~registered dispensary or~~ registered primary caregiver cardholder is convicted of dispensing, delivering, or otherwise transferring marijuana to a person other than a registered patient who has designated the ~~dispensary or~~ registered primary caregiver to cultivate marijuana; ~~or a registered dispensary cardholder is convicted of dispensing, delivering, or otherwise transferring marijuana to a person other than a patient's registered primary caregiver.~~
- (4) Failure to cooperate with required inspections.
- (5) Violations of any laws, rules, or ordinances that govern the operation of a ~~registered dispensary or~~ registered primary caregiver operation.
- (6) Committing, permitting, aiding or abetting any illegal practices in the operation of a

- ~~dispensary or~~ primary caregiver operation.
- (7) Conduct or practices that are detrimental to the safety and welfare of registered patients or registered primary caregivers; and,
- (8) Providing information that is materially inaccurate or incomplete.

Sec. 22-437. ~~Reserved License administration for registered dispensary.~~

- ~~(1) City council review. License applications for a registered dispensary shall be filed with the city clerk and the clerk will order a background check from the chief of police for the applicant, individuals with a legal interest in the facility and any individual(s) hired to manage operation of the facility. The license application with the background check will then be reviewed by the city clerk to determine if the application is complete. If the application is not deemed complete, the license shall be denied by the city clerk.~~
- ~~(2) If the application for a registered dispensary is deemed to be complete, the city clerk will notify the applicant that the registered dispensary must first obtain a conditional use permit from the planning board along with development review approval if required pursuant to Appendix A, Article XIII Sec. 2 of this Code. The conditional use permit must be obtained prior to scheduling a public hearing for the city council to consider the license to establish the proposed registered dispensary. In addition, the department shall provide a recommendation to the city council prior to said public hearing.~~
- ~~(3) Conditions of license approval. The city council may impose conditions on the approval of any license application for a registered dispensary under this article to ensure compliance with the provisions of this article or any other provision of law. Such conditions may include, but are not limited to, the following:

 - ~~(a) That the applicant provides documentation to the city clerk of the receipt of all approvals required by any federal or state agency or department pursuant to federal or state law prior to operations.~~
 - ~~(b) That the applicant provide documentation to the city clerk of the receipt of any approvals required by any city board pursuant to this Code prior to the issuance of any license under this article.~~
 - ~~(c) That any screening and or other requirements imposed by the city council pursuant to the provisions of this article or by the planning board or by the director of planning, shall be installed and completed to the satisfaction of the city clerk prior to the issuance of any license under this article.~~~~

Sec. 22-438. License administration for registered primary caregiver operation.

- (1) City clerk review. License applications for a registered primary caregiver operation shall be filed with the city clerk and the clerk will order a background check from the chief of police for the applicant. The license application with the background check will then be reviewed by the city clerk to determine if the application is complete and if the license should be granted. If the application is not deemed complete, the license shall be denied by the city clerk.
- (2) Conditions of license approval. The city clerk and the City Department may impose conditions on the approval of any license application ~~for a registered dispensary~~ under this article to ensure compliance with the provisions of this article or any other provision of law. Such conditions may include, but are not limited to, the following:

BUSINESSES

- (a) That the applicant provides documentation to the city clerk of the receipt of all approvals required by any federal or state agency or department pursuant to federal or state law prior to operations.
- (b) That the applicant provide documentation to the city clerk of the receipt of any approvals required by any city board pursuant to this Code prior to the issuance of any license under this article.

Sec. 22-439. Reserved Screening requirements.

~~A registered dispensary shall be required to erect and maintain opaque fencing to provide an effective visual screen at least six feet in height to be located along side and rear property lines that abut properties in residential use. Notwithstanding this requirement, plantings or other means may be used to satisfy the requirement for a visual screen of six feet in height.~~

Sec. 22-440. Reserved Semi-annual meetings with the City Department.

~~A minimum of two meetings per calendar year will be conducted at the registered dispensary to allow the applicant and the City Department the opportunity to discuss issues and to establish a good working relationship between the City Department and the dispensary.~~

Sec. 22-441. Requirements for registered patients and registered caregivers that do not cultivate marijuana for more than one registered patient.

A registered patient and a registered primary caregiver that does not cultivate marijuana for more than one registered patient shall conform to the following provisions:

- (1) A registered patient and a registered primary caregiver that does not cultivate marijuana for more than one registered patient shall comply at all times and in all circumstances with the provisions of State Law;
- (2) A registered patient or a registered primary caregiver that cultivates marijuana shall keep the marijuana plants in an enclosed, locked facility not visible from outside of the premises where the plants are grown to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana unless the plants are being transported because the patient is moving or taking the plants to another patient's home.
- (3) A registered patient or a registered primary caregiver that cultivates marijuana shall ensure that odor from marijuana plants or other marijuana products will remain confined within the premises and not detectable at the property line.

Sec. 22-442. Penalty for violation of article.

Any person who violates any provision of this article or the terms of any license issued under this article may be penalized in the following manner:

- (1) Temporary suspension. The city clerk and the City Department is authorized, pursuant to section 22-44, to immediately and temporarily suspend any license when continued

BUSINESSES

operation of the licensed premises or activity presents a danger to the health, safety or the general welfare of the public.

- (2) ~~Suspension or revocation. The city council may suspend or revoke a license for a registered dispensary in accordance with the provisions of section 22-44 of this chapter.~~ The city administrator may suspend or revoke a license for a primary caregiver operation in accordance with the provisions of section 22-436 of this article.
- (3) Civil penalties. A violator may be required to pay the penalties imposed by section 1-8 of this Code or 30-A M.R.S.A. (4452 et seq. as amended). A judgment from such a lawsuit in the city's favor can result in a court order that the owner and/or operator of said clinic abate any violations, pay a penalty in accordance with the city's policy manual as approved by the city council, and pay the court costs and legal and expert witness fees incurred by the city. Notwithstanding the above, the chief of police may initiate criminal proceedings relative to individuals engaged in the unlawful distribution, use, and cultivation of medical marijuana.

Sec. 22-443. Confidentiality.

All applications and supporting information submitted by primary caregivers under this ordinance, and the identity of registered primary caregivers and registered patients, shall be confidential pursuant to the Act, 22 M.R.S.A. §2425(8), and the Maine Freedom of Access law, 1 M.R.S.A. §402(3)(F). (Ord. No. 10-15, 1-6-11)

Sec. 22-444. Other Marijuana Related Facilities and Operations Not Authorized

Notwithstanding any other provision of the City Code of Ordinances, the city has not opted in under state law (22 M.R.S. Section 2429-D) to authorize any registered caregiver retail stores, registered dispensaries, marijuana testing facilities, or marijuana manufacturing facilities prior to and after December 13, 2018, except as specifically permitted under a permit issued by the City prior to November 20, 2018 or as specifically authorized by ordinance on or after December 13, 2018.

Deletions are ~~struck through~~; additions are underlined.

THE FOLLOWING AMENDMENT TO SECTION 22-444 IS REQUESTED FOR CONSIDERATION AT THE DECEMBER 4TH MEETING:

PROPOSED AMENDMENT:

Sec. 22-444. Other Marijuana Related Facilities and Operations Not Authorized

Notwithstanding any other provision of the City Code of Ordinances, the city has not opted in under state law (22 M.R.S. Section 2429-D) to authorize any registered caregiver retail stores, registered dispensaries, marijuana testing facilities, or marijuana manufacturing facilities prior to and after December 13, 2018, except those for which a permit application was submitted prior to November 20, 2018 and which are operating on or before December 13, 2018 or as specifically authorized by ordinance on or after December 13, 2018.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 4, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT: Ordinance, Amending the Code of Ordinances, Chapter 18, Building and Building Regulations, Article III. Property Maintenance Code, Chapter 3, General Requirements – Weeds.

INFORMATION:

The City's current weed ordinance requires that all exterior property in certain specified zones be maintained free from weed or plant growth in excess of 12 inches. Weeds are defined as all grasses and annual plants and vegetation excluding trees, shrubs, and cultivated flowers and gardens. This ordinance applies in the riverfront district, NCB district, downtown residential district, and Centreville. These are all predominantly downtown/in-town districts. Recently, a number of Councilors and residents have raised concern about the lack of adequate grounds maintenance in other zones. While this has primarily been related to vacant properties, it has also, in some instances, included occupied properties. At a recent workshop, the Council indicated its interest in expanding the area of the City covered by this ordinance. The attached ordinance amendment would extend the prohibition against tall weeds to all zones in the City with the exception of the rural agricultural district.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:

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That the proposed Ordinance Amendment to extend the existing prohibition on tall weeds in certain zoning districts to additional districts receive final passage by a roll call vote.



ORDINANCE

Ordinance, Amending the Property Maintenance Code to regulate the height of weeds on any property within the City of Lewiston except for those in the Rural Agricultural District.

Whereas, the City's current weed ordinance requires that all exterior property in certain specified zones be maintained free from weed or plant growth in excess of; and

Whereas, weeds are defined as all grasses and annual plants and vegetation excluding trees, shrubs, and cultivated flowers and gardens; and

Whereas, this ordinance applies in the Riverfront district, Neighborhood Conservation "B" district, Downtown residential district, and Centreville, all predominantly downtown districts; and

Whereas, a number of Councilors and residents have raised concern about the lack of adequate grounds maintenance in other zones.

Now, therefore, be it Ordained by the City of Lewiston that the following amendment be adopted to Chapter 18, Article II, Chapter 3, Section 302.4:

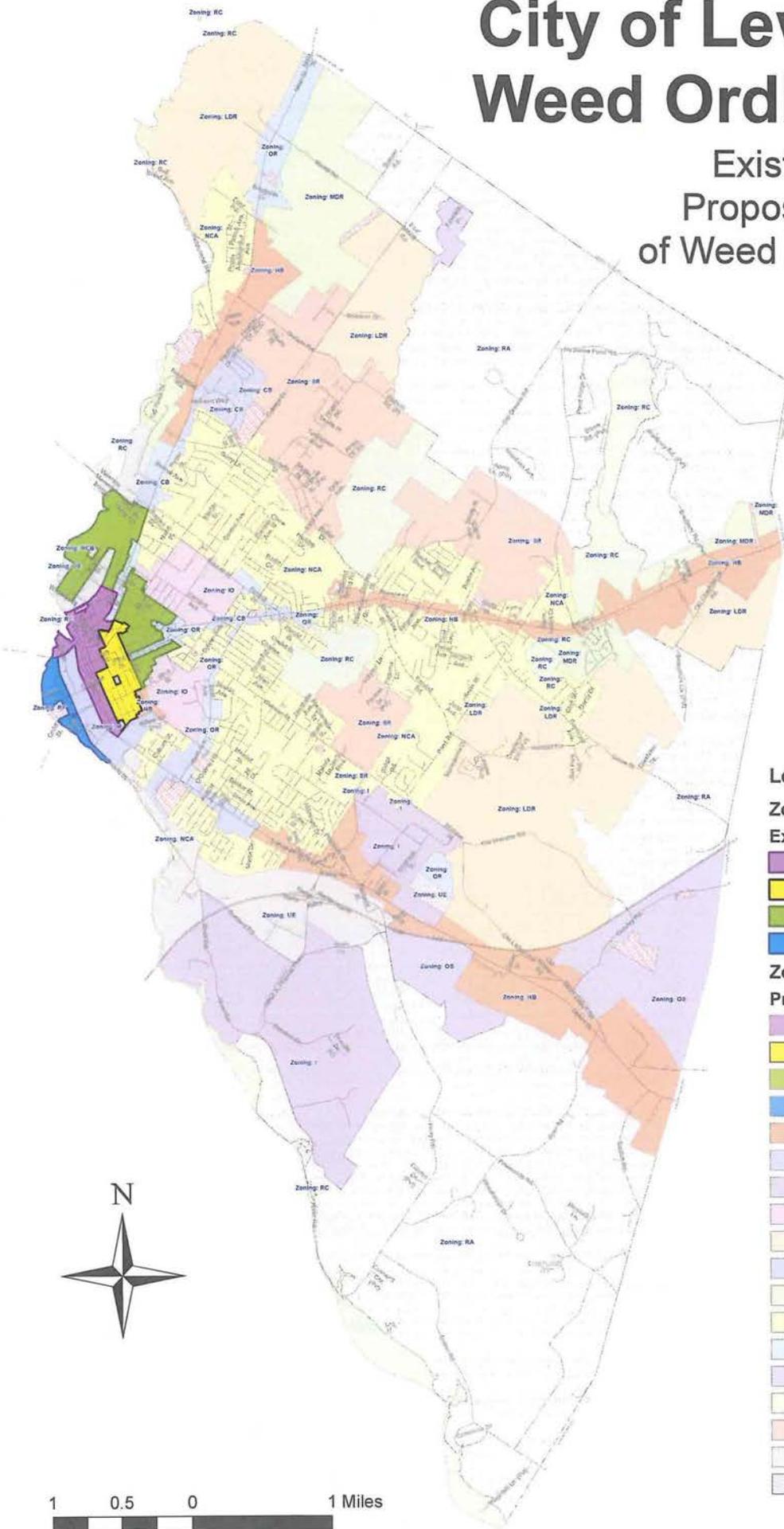
**Chapter 18
Building and Building Regulations
Article III. Property Maintenance Code
Chapter 3 General Requirements**

302.4 Weeds. All *premises* and *exterior property* located in all zoning districts with the exception of the rural agricultural district ~~the riverfront district, neighborhood conservation "B" district, downtown residential district and in the centreville district~~ shall be maintained free from weeds or plant growth in excess of 12". All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens, vegetation grown for agricultural purposes as defined in Appendix A, Article II, Section 2 of the Zoning and Land Use Code, and areas within 25', horizontal distance, of the normal high water mark of the Androscoggin River.

Deletions are ~~struck through~~; additions are underlined.

City of Lewiston Weed Ordinance

Existing and
Proposed Zones
of Weed Enforcement



Legend

Zoning Districts

Existing Weed Enforcement

- Centreville
- Downtown Residential
- Neighborhood Conservation B
- Riverfront

Zoning Districts

Proposed Weed Enforcement

- Centreville
- Downtown Res
- Neigh Conserv B
- Riverfront
- Highway Bus
- Central Business
- Industrial
- Institutional Office
- Low Density Res
- Mill
- Medium Density Res
- Neigh Conserv A
- Office Residential
- Office Service
- Resource Conserv
- Suburban Res
- Urban Enterprise
- Rural Ag



LEWISTON CITY COUNCIL

MEETING OF DECEMBER 4, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT: Ordinance, Amending Chapter 70, Traffic and Vehicles, of the Code of Ordinances by Adding a New Section 70-179, On-Street Parking by Permit Only

INFORMATION:

Eric Agren, owner of 49 Lisbon Street, has secured a tenant for the commercial space previously occupied by Fuel restaurant. Cowbell Grill and Tap plans to open in January 2019 offering specialty burgers and a large array of microbrews on tap. Cowbell Grill and Tap is a spinoff of the owner's successful restaurant Cowbell Burgers in Biddeford. Similar to their establishment in Biddeford, they intend to offer delivery service. In order to be successful in offering this service from the downtown commercial area, permit parking will be required to ensure two spaces are available for delivery vehicles. Given the location, the only viable alternative is to provide these spaces on Canal Street. This will require establishing a new category in our parking ordinance to allow for designation of on-street spaces for permit parking only. The attached ordinance amendment will do this. Once this amendment is in place, we will then need to amend our parking schedule to so designate these spaces and our policies on fees and fines to establish a monthly permit fee and fines for violations.

Staff recommends your approval to support this new downtown restaurant.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/ksm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed Ordinance Amendment to Add a New Section 70-179 to Chapter 70 of the Code of Ordinances, Traffic and Vehicles, On-Street Parking by Permit Only, receive first passage by a roll call vote and that the public hearing be continued to the next regularly scheduled Council meeting.



ORDINANCE

Ordinance, Amending Chapter 70, Traffic and Vehicles, of the Code of Ordinances by Adding a New Section 70-179, On-Street Parking by Permit Only.

Now, therefore, be it Ordained by the City of Lewiston that a new section 70-179, On-Street Parking by Permit Only, is hereby added to the Code of the City of Lewiston as follows: the following amendment be adopted

Sec. 70-179. On-Street Parking by Permit Only

- (a) Designation. The city council may designate and establish time limitations and permit fees for on-street parking by permit only zones.
- (b) Use limited. No person shall stop, stand, park, or leave any vehicle upon any street where an officially designated on-street parking by permit only zone has been established and appropriately marked, except those vehicles displaying a permit issued by the City authorizing them to utilize the zone.

Deletions are ~~struck through~~; additions are underlined.

LEWISTON CITY COUNCIL

MEETING OF DECEMBER 4, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT: Resolve, Adopting Personnel Policies for the City of Lewiston and Rescinding Various Master Policies to be Replaced.

INFORMATION: Over the years, the City has adopted a variety of personnel related policies in a number of places, including a large number of separate master policies and a rather minimal personnel policy. Since various topics were covered in various places, there has not been a single reference guide for employees and supervisors that consolidates all of the City's major employment and personnel policies in one location. In addition, as society has changed, the need for various programs and policies has changed. In some areas, the City had not kept current on these changes.

Over the last year and lead by our human resources staff and Finance Director, we have undertaken the task of integrating and updating the vast majority of the City's personnel policies into a single document. A draft of this document was provided to the Council in November with a request for review, comments, and questions. The comments received have been incorporated into this new document, which is now ready for Council consideration. Should they be approved, the Council should also rescind the separate master policies that will be replaced. A listing of those policies is attached.

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, Adopting Personnel Policies for the City of Lewiston and Rescinding Various Master Policies to be Replaced.



COUNCIL RESOLVE

Resolve, Adopting Personnel Policies for the City of Lewiston and Rescinding Various Master Policies to be Replaced.

Whereas, over the years, the City has adopted a variety of personnel related policies including a number of separate master policies separate from the general Personnel Policy; and

Whereas, as a result, there has not been a single consolidated reference guide for employees and supervisors that brings together in one document the City's major personnel policies; and

Whereas, in addition, as society and our legal framework has changed, the need for various policies and program has also changed requiring that existing policies be updated; and

Whereas, over the last year, the City's human resources staff and Finance Director undertook the task of integrating and updating the majority of the city's personnel related policies into a single document; and

Whereas, upon adoption, this revised Personnel Policy will replace numerous Master Policies which should be rescinded;

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

The attached Personnel Policy is hereby adopted and master policies 2, 17, 18, 19, 20, 22, 25, 47, 49, and 93 are hereby rescinded.

POLICIES TO BE RESCINDED

Number	Title
2	Nondiscrimination Policies
17	Catastrophic Leave
18	Employee Assistance Program
19	Employee Health Promotion Program
20	Employee Recognition Program
22	Personnel Policies
25	Suggestion and Award Program
47	Safety Policy
49	Nonunion Employees Compensation Policy
93	Whistleblower Protection and Reporting Policy

Copies of all policies are available on the City Clerk's Web Site at <https://www.lewistonmaine.gov/116/Master-Policies>.

**CITY OF LEWISTON PERSONNEL POLICIES
DECEMBER 2018**

WELCOME TO THE CITY OF LEWISTON

Welcome to the City of Lewiston! We're happy that you have decided to join us and hope you have a long and successful career that will allow you to fulfill your career goals while serving our residents.

City employees form the core of our organization and are its most important resource. Accordingly, these Personnel Policies are designed to guide you and your fellow employees in your daily activities, including your responsibilities, rights, and benefits as a City employee. Your careful attention to this document will help to provide you with a rewarding and satisfying career in City service.

This document sets forth a uniform and equitable system of personnel administration governing City employment. These policies apply to all positions not covered by collective bargaining agreements as well as to employees covered by such agreements in areas and on issues not addressed in those agreements.

Nothing in the policies, programs, and benefits summarized here should be interpreted as creating an employment contract, either expressed or implied, and nothing in what follows affords employees any contractual rights. Where this document contains descriptions or references to insurance or other benefit plans, the specific provisions of the plan will govern should a conflict arise concerning interpretation, application, or benefit level. The City may change, amend, repeal, or modify any of these rules or regulations at any time, and such change shall take precedence over any of the provisions included here.

The day-to-day administration of these Personnel Policies is a function of the Human Resources Division. Any questions regarding their application or effect should be directed to the Human Resources Division or City Administrator's Office.

EMPLOYMENT RELATIONSHIP

PROBATIONARY PERIOD

Everyone hired by the City shall serve a probationary period of six (6) months unless otherwise stated in a collective bargaining agreement. During this period, the employee may be terminated without cause and for any reason upon notice from their immediate Supervisor or Department Head.

EMPLOYMENT DEFINITIONS

In order to determine eligibility for benefits and overtime status and to ensure compliance with Federal and State laws and regulations, the City classifies its employees as shown below. The City may review or change classifications at any time.

Exempt - Employees who are paid on a salaried basis and are not eligible to receive overtime pay.

Non-exempt - Employees who are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

Regular, Full-Time - Employees who are not in a temporary status, work a minimum of 37.5 hours weekly, and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefit program.

Regular, Part-Time - Employees who are not in a temporary status and who are regularly scheduled to work fewer than 37.5 but at least 20 hours weekly, and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered on a prorated basis by the City and are subject to the terms, conditions, and limitations of each benefit program.

Temporary, Full-Time - Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the City's full-time schedule for a limited duration not to exceed 26 weeks without a break in service. Temporary, Full-Time employees are not eligible for benefits.

Temporary, Part-Time - Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 37.5 hours weekly for a limited duration or work less than an average of 20 hours weekly in a 52 week period. Employment beyond any initially stated period does not imply a change in employment status. Temporary, Part-Time are not eligible for benefits.

CLASSIFICATION AND PAY PLAN

The City utilizes a series of classification and pay plans for each of its bargaining units and its non-union employees. These plans provide a systematic arrangement and inventory of positions for employees. The Plan groups the various positions into understandable classes indicative of the range of duties, responsibilities, and level of work performed. Compensation allocated to each position takes into consideration the relative difficulty and responsibility existing between the various classes and prevailing rates of pay for similar types of work in private and public employment.

The Classification and Pay Plan is utilized to:

1. Determine qualifications for employment by the City;
2. Determine salaries to be paid for the various classes of work; and
3. Determine lines of promotion.

The Classification and Pay Plan consist of:

- A grouping of positions into classes on the basis of approximately equal difficulty and responsibility, which require the same general qualifications, and which can be equitably compensated within the same pay grade.
- A class title indicative of the work of the class that is used on all personnel, accounting, budget, and related official records. No person can be appointed on a regular basis to a position in the City service under a title not contained in a Classification and Pay Plan.
- Written job descriptions for each classification containing the nature of work and relative responsibilities of the position, typical illustrative tasks performed, requirements of the position setting forth the necessary knowledge, skills, and abilities desired for adequate performance of the work, and the desirable experience and training needed.
- A schedule of salary levels and seniority steps for each title in the plan.

Unclassified Service - The unclassified service (paid positions for which the City is not responsible; compensation or positions of any advisory or consulting nature, especially part-time) shall consist of the following:

1. Elected Offices
2. Members of Boards and Commissions
3. Positions where the salary is prescribed by the Charter

The Finance Department is responsible for administering and maintaining the Classification and Pay Plan for Non-union Personnel and is available upon request. The classification and pay plans for the City's bargaining units can be found in the respective bargaining agreements. The City Administrator shall direct necessary reviews and preparation of reports recommending appropriate action to assure that the non-union Classification Plan is kept current and that important changes in duties and responsibilities in any existing position are reflected in the plan so that proper compensation levels can be determined. The Human Resources Division shall provide, subject to the approval of the City Administrator, for the allocation of new positions and for the reallocation of any position from one class to another class whenever a change in duties and responsibilities of such position makes the class to which the position was previously allocated no longer applicable.

Any employee has the right to make a request to the City Administrator for a change in the classification of that employee's position, subject to the requirements outlined in any applicable bargaining agreement. Employees should address a reclassification request to their respective Department Head. The Department Head will evaluate the request and recommend approval or disapproval to the City Administrator. The City Administrator will refer the request to the Human Resources Division for evaluation and to provide a recommendation. The City Administrator will then either accept or deny the request.

INITIAL APPOINTMENT

All new City appointments shall be at the first step of the pay grade established for the job classification to which the appointment is made. All initial offers of employment shall be in writing and

conditioned upon the applicant successfully completing all pre-employment requirements. However, on the recommendation of the Department Head and with approval of the City Administrator, new appointments may be made at above the minimum rate established for the job classification where it is found necessary to take such action in order to fill a job vacancy in which there is a lack of qualified applicants or because of other unusual or extenuating circumstances. All offers of initial appointment shall be made on a conditional basis subject to verification of pre-employment requirements. A standard form is available from Human Resources. Prior to providing this form to the selected applicant, the offer must be approved by the Director of Finance and the City Administrator or designee.

RATE OF PAY UPON PROMOTION, TRANSFER, OR DEMOTION

When an employee is temporarily or permanently transferred, promoted, or demoted, the rate of pay and effective date for the new position shall be determined by the City Administrator. When an employee is promoted, that employee will generally be placed on the pay step and seniority level of the new grade that provides a minimum 5% increase.

STANDARD WORK WEEK AND OVERTIME COMPENSATION

Regular Hours of Work: The City Council establishes the regular work week for City employees; however, the hours of work for any employee or groups of employees may be established at different times by their respective Department Heads as approved by the City Administrator or designee for purposes of convenience, departmental efficiency, or any other special departmental needs.

Method of Payment: Subject to the limitations listed below, all employees customarily working seven and one-half (7 1/2) or eight (8) hours per day shall be paid at the rate set forth in the Classification and Pay Plan. Should a non-exempt or a permanent part time employee be required to work more than the customary seven and one-half (7 1/2) or eight (8) hours in any work day, it shall be considered overtime work and shall be compensated at the overtime rate. Temporary Employees are paid overtime for all hours worked in excess of forty (40) hours in a work week.

Overtime Authorization: City policy is to avoid having employees work frequent or considerable overtime. Department Heads, on occasion, may authorize or direct an employee to work overtime when necessary in order to meet emergency situations and/or special operating needs. Each Department Head shall maintain records, compliant with Department of Labor standards, of all overtime worked by employees in their respective departments. No overtime pay shall be granted except on the basis of such records, and all such records shall be available at all times for review by the City Administrator or designee.

Overtime Rate of Pay for Regular Non-Exempt Employees within the Non-Union Pay Plan: Subject to the provisions of the Fair Labor Standards Act, compensation at the rate of one and one-half (1½) times the employee's hourly rate of pay shall be provided for all authorized and necessary overtime worked before or after the regular work shift. In lieu of overtime pay, employees may select compensatory time-off as the method of payment.

Compensatory Time-Off: Accumulation of compensatory time-off shall be limited to a total of seventy-five (75) hours, or fifty (50) hours of overtime work. Non-exempt employees may elect to cash out compensatory time at the end of each fiscal year by providing a written notice to the applicable payroll clerk no later than June 15th of each fiscal year.

MEAL AND REST BREAKS

Rest Periods: All employees working seven and a half (7 ½) or eight (8) hours per day shall be allowed a fifteen (15) minute rest period during each one-half (½) shift whenever feasible.

Lunch Periods: All employees working seven and one-half (7 ½) or eight (8) hours per day shall be given an unpaid lunch period during each work shift. Whenever possible, the lunch period shall be scheduled near the middle of the shift.

Lunch and rest period breaks shall not be used for the purpose of shortening the work shift unless approved in advance by the employee's immediate Supervisor or Department Head.

TIME RECORDS

All non-exempt employees are required to keep accurate time records of hours worked. The City has established a system to accurately record time as required by government regulations and to use for calculating regular and overtime pay. Employees should review their time records and report any discrepancies immediately to their supervisors. Further detail is provided in the Standard Operating Procedure – Payroll for Non-Exempt Employees, available from the Finance Department.

PAYCHECKS

All City Employees are required to participate in direct deposit. With few exceptions, the City's work week runs Thursday through Wednesday. Direct deposits are made the following Wednesday. If Wednesday is a holiday, direct deposits will be made the preceding Tuesday.

ACCESS TO PERSONNEL FILES

Employees are permitted to review their personnel file upon written request to or by prior arrangement with the Human Resources Division or the appropriate office at their work location or in their department. Such review shall take place during normal office hours and shall be conducted under the supervision of the appropriate records custodian or department representative. An Employee shall be allowed to place in such file a response of reasonable length to anything it contains that the Employee deems to be adverse.

An Employee's personnel file shall include, but not be limited to, all memoranda and documents relating to such Employee including commendations, performance appraisals, or rating records.

Once each calendar year and upon request, the City will provide, at no cost to the employee, one copy of the entire personnel file. The cost of copying any other material requested during that calendar year must be paid by the employee.

DISCIPLINE

The City recognizes its responsibility to provide its citizens with the most efficient and effective service delivery system possible. This requires that we develop and administer rules, regulations, policies, and disciplinary measures in an equitable and consistent manner. Employees must recognize their obligation to conform to all applicable rules, regulations, and policies. Should an employee fail to observe them, the City may initiate appropriate disciplinary action based on the severity of the violation. Such disciplinary action may include, but is not limited to, oral or written reprimands,

suspensions with or without pay, reassignments or transfers, demotions, probation, or termination. Permanent full or part-time employees may appeal any discipline imposed by filing a letter of grievance with the Deputy City Administrator or by following the grievance policy outlined in their respective collective bargaining agreement.

Temporary employees may appeal any discipline imposed by filing a written letter with the Deputy City Administrator. The Deputy City Administrator and City Administrator will evaluate the details relating to the discipline imposed and the information contained in the appeal to render a final binding decision.

LAYOFFS

Any regular employee of the City may be laid off for any reason by the City Administrator.

No employee shall be laid off except upon written notice from the employee's Department Head giving not less than two (2) weeks' notice before the effective date of the layoff, or any combination of ten working days' notice and pay, or two (2) weeks' pay with immediate notification.

RESIGNATIONS

Notice to Department Head: Any employee wishing to leave in good standing shall file with that employee's Department Head a written resignation stating the date that the employee is leaving City service and the reasons for leaving. The written resignation shall be submitted at least ten (10) working days prior to its effective date. Non-union and Pro-tech employees filling positions in classification levels above 6 should make every attempt to provide a 30 day notice. Failure to comply with this procedure may be cause for denying such employee future re-employment by the City.

Unauthorized Absence: Unauthorized absences from work for a period of three (3) days or more without permission from the employee's immediate supervisor or Department Head shall be considered a voluntary resignation by the employee.

Final Responsibilities: The effective date of separation shall be at the close of business on the last day the employee reports for duty; the date specified in a written resignation; or, the last day of leave granted should the employee fail to report to duty on the first working day following the expiration of leave. Separating employees shall turn in all City-owned property in their possession, including keys and City identification cards. Separating employees shall also leave a forwarding address with the Human Resources Division for purposes of forwarding Internal Revenue forms and any remaining checks for unpaid compensation.

Amounts owed to the City for advance payments of health insurance incentives, stipends, employee portions of benefits accrued during absence from work, other advance payments, or non-returned City-owned property will be deducted from the employee's final pay. Amounts exceeding the employee's final pay will be invoiced to the employee and collected through the City's normal collection practices.

TERMINATION OF EMPLOYEE STATUS

An employee who is absent from employment because of a non-work related sickness or disability will retain employee status for a period of six (6) months (with FMLA counting towards the 6 month period) plus accumulated sick leave. Absence from employment for any reason in excess of three hundred sixty-five (365) calendar days shall result in termination of employment. An individual's status as an employee may be extended for further periods at the discretion of the City Administrator or designee.

Any extension shall not exceed six (6) months and shall only be granted after receiving an advance written request from the employee and after a finding that the employee is likely to return to work within or at the end of such extension. In the event two (2) or more absences from employment due to the same illness or injury are interrupted by one or more attempts to return to work, the periods of absence shall be combined in computing the employee's total absence from employment.

REINSTATEMENT

Employees resigning/retiring may be reinstated at the discretion of the City Administrator on a case-by-case basis. Such reinstatements shall have no precedent value. The City Administrator shall make such reinstatement decisions based on a determination that the availability of the employee's unique skills and abilities is in the best interest of the City and the employment of anyone else would diminish the effectiveness of the position being sought by the former employee.

If reinstated within thirty (30) days from the effective resignation date, the employee will maintain seniority rights regarding such items as sick and vacation leave accrual. If the employee retired under the provisions of MEPERS, then the employee shall begin anew as if the employee had never worked for the City.

If reinstated beyond thirty (30) days from the effective resignation/retirement date, the former employee shall begin anew as if never having worked for the City.

This section does not apply to employees participating in an In-Service Retirement Program established by a collective bargaining agreement. All terms of the In-Service Retirement Program will be applied based on the applicable agreement.

WORKPLACE GUIDELINES

ATTENDANCE

All employees are expected to arrive on time, ready and able to work, every day they are scheduled to work. If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact their supervisor as soon as possible.

Excessive absenteeism, tardiness, or misuse of sick leave will result in discipline up to and including termination.

Failure to show up or call in for a scheduled shift without prior approval may result in disciplinary action. If an employee fails to report to work or call in to inform their supervisor of the absence for 3 or more consecutive days, the employee will be considered to have voluntarily resigned employment.

JOB PERFORMANCE

Employee Performance Evaluation

The employee performance evaluation is an orderly and systematic approach to appraising an employee's job performance. The most obvious objective of a performance evaluation program is establishing communication, on a regular basis, between supervisors and employees regarding performance.

Department Heads are responsible for the overall employee performance evaluation program within their department. However, the employee's immediate supervisor is responsible for evaluating all employees under the supervisor's management, providing that the supervisor supervises the employee at least 50% of the time.

All employees shall be evaluated at least annually, except probationary employees (including promoted employees) who shall be evaluated quarterly.

EDUCATION AND TRAINING

As a condition of employment, each employee shall attend and participate in all training sessions or courses required by the City's Safety Coordinator, Department Head, or the City Administrator. Employees are encouraged to participate and be members of boards, committees, or organizations relating to their employment. Whenever possible, and with the prior approval of their Department Head, employees may be allowed time-off during regular work hours to attend meetings of such organizations. Any time spent on such voluntary activities after regular work hours shall not be considered hours of work. (This is not intended to relieve the City of its obligation to properly compensate employees for work hours that are legally due.)

OUTSIDE OR NON-DUTY EMPLOYMENT

No employee shall, during non-duty hours, be engaged in any employment, activity, or enterprise that is incompatible or in conflict with the employee's City duties, functions, and responsibilities. For purposes of guidance, no employee shall accept outside employment with duties which would interfere with or not permit the employee to leave for reasons of emergency, special assignment, or overtime requirement in conjunction with City duties.

TRAVEL

The City will reimburse all authorized and reasonable expenses incurred for travel by employees in connection with their jobs. Since no set rules can cover all travel situations, two tests will be applied to determine an expense is appropriate:

1. The expense must be directly related to City activities, and
2. The expense must be reasonable under the particular circumstances involved.

The City Administrator must approve any and all requests to travel outside of the State of Maine. In-state travel must be approved by the employee's Department Head.

Travel advances may be requested by submitting a travel advance authorization form. The form must be approved by the authorizing authority before any commitments, advances, or disbursements are made. Advances must be fully documented and approved by the Finance Director and should be based on minimum estimated travel cost or using the IRS per diem rate.

The City will supply all appropriate forms for travel or other reimbursable expenses, including mileage. Expense vouchers shall be turned in no later than the end of the month in which the expenses were incurred. Employees who draw cash advances must submit documentation to settle their account within seven (7) days after completion of their trip.

Approval of the expense vouchers shall be the responsibility of the Finance Director.

Specifically authorized charges for employees attending conventions, conferences, or seminars are as follows:

1. On trips held in New England or within a three hundred (300) mile radius, an employee may use a private automobile; mileage in excess of 300 miles will be reimbursed at the lessor of the total mileage at the IRS per diem rate or an equivalent airline ticket unless specifically approved by the City Administrator or designee.
2. The City will honor less-than-first-class travel expenses based on current airline, train, or bus fares. If less-than-first-class accommodations are not available and is so documented, the City will honor first-class accommodations.
3. The employee will be allowed the actual cost of overnight accommodations, travel and parking based upon Department Head approval and budgetary constraints.
4. The City will reimburse for meals on a per diem basis at the standard Internal Revenue Service (IRS) rate based upon geographical location and prorated for travel days.
 - a. The per diem allowance will be allocated for specific meals which the employee will have while attending seminars, conferences, or business meetings. The per diem allowance will exclude any meals that are paid for as part of any conference registration package.
 - b. Alternatively, reimbursement for meals on an actual itemized receipted basis will be allowed if an employee elects that method of reimbursement. In no instance will any form of alcohol be reimbursed.
5. The Finance Director shall require itemized receipts for the following expenses:
 - Airline, train or bus fares
 - Hotel and motel charges
 - Boat fares and tolls
 - Auto storage and parking
 - Car rentals
 - Registration fees

MILEAGE REIMBURSEMENT

In-town mileage shall be reimbursed at the standard rate allowed by the Internal Revenue Service, except for motorcycles, which shall be reimbursed at 75% of the rate established for other vehicles.

Authorized in-town mileage expense reimbursements shall be requested by periodically submitting an itemized mileage log indicating: date, purpose and/or address, number of miles, to the Finance Department.

LIABILITY INSURANCE

Due to Maine law, employees utilizing privately owned vehicles while performing City business shall be required to possess liability insurance. Proof of such insurance must be kept in the employee's vehicle. A copy of the current proof of insurance shall be made available upon request by the employee's Department Head, Human Resources or Administration. Upon approval by City Administrator, the City may reimburse the employee for out-of-pocket costs of an accident that occurs while performing a municipal task after pursuing reimbursement from all possible insurance coverage including the Maine Municipal Association. The amount of reimbursement per employee per fiscal year is limited to the lessor of the unreimbursed costs or \$500.

DRESS AND GROOMING

The City provides a business casual work environment for its employees. Even though the dress code is business casual, it is important to project a professional image to our citizens, visitors, and coworkers. All employees are expected to dress in a manner consistent with good hygiene, safety, and good taste. Examples of appropriate business casual dress typically include slacks or khakis, dress shirt or blouse, open-collar or polo shirt, optional tie or seasonal sport coat, a dress or skirt at knee-length or below, a tailored blazer, knit shirt or sweater, and loafers or dress shoes that cover all or most of the foot.

SOCIAL MEDIA

The City encourages employees to share information with co-workers and those outside the City for the purpose of gathering information, generating new ideas, and learning from the work of others. Social media provide inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on the internet is available to the public and, therefore, the following guidelines are provided for employee participation in social media.

"Social media" refers to blogs, forums, and social networking sites such as Twitter, Facebook, LinkedIn, YouTube, Instagram, and Myspace, among others.

Employees may maintain personal websites or web logs on their own time using their own facilities. Employees must ensure that social media activity does not interfere with their work. In general, the City considers social media activities to be personal endeavors and employees may use them to express their thoughts or promote their ideas.

Employees may engage in social media activities during work time only if the activities are work related and the employee has prior supervisory approval.

We ask that you demonstrate respect for the City, its citizens, vendors, and fellow employees when posting to social media. If identifying yourself as a City employee, your site should include a disclaimer. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of the City of Lewiston." Employees should keep in mind that if they post information on a social media site that is in violation of City policy and/or Federal, State, or Local law, the disclaimer will not shield them from disciplinary action.

Employees are expected to comply with all applicable laws including, but not limited to, Federal Trade Commission (FTC) guidelines, copyright, trademark, and harassment laws.

The City Seal, trademarks, or logos may not be posted to social media without the express consent of the City Administrator or designee.

Nothing in this policy is meant, nor should it be interpreted in any way, to limit an employee's rights under any applicable Federal, State, or Local laws. For more information, please refer to the IT Department's Social Media Policy.

BULLETIN BOARDS

All required governmental notices are posted on the boards located in the break room of each City Department/location. These boards may also contain general announcements.

Employees may submit notices of general interest, such as for-sale notices, recreational type announcements, and/or club functions; postcards; expressions of gratitude or sympathy; and notices looking for/offering carpools, tickets, roommates, or pets. Please deliver notices to the appropriate Department Head for approval. The City reserves the right to refuse permission to post or to take down any announcement. All notices posted by employees will be removed after 2 weeks unless otherwise stipulated. The appropriate Department Head will approve personal posts and take down all notices.

SOLICITATION

Employees may not offer for sale or solicit contributions during the work day. Employees may solicit or offer items for sale to other City employees after hours and/or through use of their personal email account and equipment. More generally, solicitations are prohibited on City property unless authorized by the City Council or City Administrator.

COMPUTERS, INTERNET, EMAIL, AND OTHER RESOURCES

Electronic mail, Internet, and telecommunication access are resources made available to City employees to communicate with each other, other governmental entities, companies, and individuals for the sole benefit of the City.

The internet/email system, including hardware and software, is City property and intended for City business only. All data and other electronic messages sent or received within the system are the property of the City. All employees should be aware that most email messages are a matter of public record and are subject to right-to-know laws.

The City, through its system administrators and department supervisors, reserves the right to review the contents of employee's email communications. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' files or email messages without proper authorization.

Employees may not rent, copy, or lend the City's software or its documentation. The City has invested significant time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not download or install alternative or unapproved software on any City equipment or systems. Employees may be held responsible for any damage caused by using unauthorized software or introducing any viruses into the City system. Department Heads and the MIS Department are responsible for the implementation and adherence of this policy within their departments and city wide.

While users may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does it suggest that email is a property right of the employee. Passwords must be periodically changed to ensure security of the email system. Users should not share passwords with anyone else, other than their supervisor or as applicable State and Federal laws may require.

A computer user who has been authorized to use a password-protected account may be subject to civil and criminal liability if the user discloses their password or otherwise makes the account available to others without express permission of the system administrator.

The use of the Internet system for access and dissemination of information is intended solely for City business. Users must use caution in the transmission and dissemination of messages outside of the City

and must comply with all State and Federal laws. The City reserves the right to monitor all Internet activity. Software is in place to monitor Internet sites visited and the amount of time spent at each site by employees.

Prohibited Uses

When using the internet or sending email messages, appropriateness and good judgement should be used.

The following are examples of uses that are prohibited:

- Communications that may be construed by others as disruptive, offensive, abusive, or threatening;
- Communications of sexually explicit images or messages;
- Communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, sexual orientation, age, disability, or religious beliefs;
- Downloading and/or distributing copyrighted software or information;
- Solicitation for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations; and
- Any other use that may compromise the integrity of the City and its business in any way.

Retention of Email

Employees should be aware that when they have deleted a message from their workstation mailbox, it generally has not been deleted from the central email system where it may remain for an indefinite period. Note that email has been classified as a public document, i.e., available to the public and the media. Keep this in mind when you create email.

Applicability to Employees who Leave Employment, Part-time Employees, Contractors and Other Users

Employees who leave employment with the City have no right to the contents of their email messages and are not allowed continuing access to the email system unless approval is granted by the City Administrator. Supervisors or administrators may access an employee's email if the employee is on a leave of absence, vacation, or is transferred from one department to another department and/or it is necessary for the City's business purposes.

The misuse of internet or email privileges may be considered sufficient cause for disciplinary action. In addition, violations of this policy or misuse of the email system may be referred for criminal prosecution.

TIME OFF AND LEAVES OF ABSENCE

HOLIDAYS

Legal Holidays: The following days are recognized as legal holidays in the City. When any of these holidays falls on Sunday, the following Monday shall be observed as a holiday; when any of the described holidays falls on Saturday, the preceding Friday shall be observed as a holiday.

New Year's Day - January 1st

Martin Luther King, Jr. Day - the third Monday in January

President's Day - the third Monday in February
Patriot's Day - the third Monday in April
Memorial Day - the last Monday in May
Independence Day - July 4th
Labor Day - the first Monday in September
Columbus Day - the second Monday in October
Veteran's Day - November 11th
Thanksgiving Day
The day after Thanksgiving
Christmas Day - December 25th
One-half day before Christmas

Holiday Pay Exceptions: As a general rule, all regular employees shall be allowed holiday pay on every established holiday based on their regular pay. Holiday pay shall not be allowed if the employee is on a leave of absence without pay, suspension, or other form of non-pay status on the date of the holiday or fails to work the scheduled work day before and after the holiday unless such absences was previously approved by the respective Department Heads. Employees out of work with or without pay due to a workers' compensation injury are eligible to receive holiday pay.

VACATION

Accumulation: Regular employees shall accrue paid vacation time at the rate of one (1) day per month. After completing five (5) years of employment, one and one-half (1 ½) days of vacation time per month are allowed. After completing fifteen (15) years of employment, one and three-quarters (1 ¾) days of vacation time per month are allowed. After completing twenty (20) years of employment, two (2) days of vacation time per month are allowed. Employees must have been compensated at least ten (10) days in a month to accumulate vacation time for that month.

Use of Vacation Leave: Vacation leave may be taken by an employee at any time after its accrual, subject to Department Head approval. Nonunion employees may accumulate vacation leave to a maximum of forty (40) days; thereafter, any and all vacation leave that would otherwise accrue shall be lost except in those bona fide circumstances where an employee was prohibited from taking a scheduled vacation due to departmental operations. Any such carry-over of accumulated vacation time shall be documented and approved by the Department Head.

Vacation leave shall be chargeable in increments no smaller than one-quarter (1/4) hour.

Payment upon Termination: Upon termination from employment, employees shall receive a lump sum payment for all accrued and unused vacation leave. Such payment shall be made at the employee's regular rate of pay at the time of termination.

SICK LEAVE

Accumulation: Employees shall be allowed one (1) day of sick leave for each month of service. Nonunion employees may accumulate up to one hundred eighty (180) sick leave days. Employees must be compensated at least ten (10) days in a month to accumulate sick time for that month. After an Employee has been on worker's compensation for three (3) months, worker's compensation benefits shall not be deemed to be money paid for the purpose of sick leave accumulation if no other leave from the City is being paid. Any employee who receives worker's compensation benefits from another

employer shall not accrue sick leave during the time which the employee receives another employer's worker's compensation benefits unless another form of leave is being paid by the City.

Use of Sick Leave: Sick leave may be taken by any employee for any non-service connected sickness or disability, including pregnancy, which renders the employee unable to perform the duties of their employment to the extent of that employee's accrued sick leave. Employees may also utilize up to twelve (12) days per year for sickness involving a spouse, parents, step-parents, and/or children, provided the employee has the available sick leave. In addition, sick leave for catastrophic illnesses involving the employee's spouse and/or children may also be utilized to provide care to the extent of accrued sick leave. All such use of sick leave must be consistent with other provisions of these policies, namely Accumulation of Sick Leave and Termination of Employee Status. In the case of a service-connected sickness or disability through workers' compensation, the employee shall be entitled to sick leave to cover the differential between the usual gross weekly salary and the amount of workers' compensation payments.

If an employee elects to use sick or vacation time prior to a workers compensation or income protection claim being approved or in conjunction with leaves covered by income protection and/or workers compensation, the employee may not buy back their time after the fact.

Computation of Sick Leave: One day of sick leave shall be charged against an employee, excepting firefighters, for each standard work day or shift that such employee is absent from duty for the reasons stated above. Firefighters shall be charged two (2) days of sick leave for each standard work day or shift. Absence for part of a work day or shift chargeable to sick leave shall not be charged in amounts less than one (1/4) hour.

Sick Leave Requests: Requests for sick leave shall be made to the employee's Department Head or designee promptly. Proof of illness or disability may be required at any time by the Department Head by requiring the submission of a physician's certificate excusing the employee from work, any restrictions, and the probable date the employee will be fit to return to work. Such physician's certificate shall be obtained at the employee's expense. The City also may require a return to work physical, at the City's expense, be completed prior to reporting for duty.

Entitlement upon Separation or Retirement: Accumulated and unused sick leave is forfeited upon separation from City employment unless the employee participated in either MEPERS or a City-sponsored deferred compensation plan, or has completed the MERPERS service requirement typically defined as 25 years of service or age 62. There shall be no continuing right for such accrued sick leave in the event an employee returns to City employment unless the return to City employment is within thirty (30) days of the date of termination. Upon retirement or separation (as noted above), either through the MEPERS or Social Security, nonunion employees shall receive one-half (1/2) of their accumulated unused sick leave to a maximum payment of eighty (80) days. Such payment shall be made at the employee's regular rate of pay at the time of retirement or separation. In the event of an employee applying for a disability pension, such payment shall be withheld until the application has been approved.

Abuse of Sick Leave: Use of sick leave based on false claims of sickness or disability, or falsification of proof to justify such sick leave shall be cause for disciplinary action up to and including termination. Sick leave is a privilege and, unlike vacation leave, must be 'earned' by an employee; therefore, it may not be used for any other purpose except those specifically permitted under these rules and regulations.

Sick Leave Incentive: As an incentive to conserve sick leave, the City agrees to provide non-union employees with one vacation day for each four (4)-month period in which no sick leave is used. Employees meeting this criterion may submit their written request to their department's payroll clerk for said reimbursement no later than thirty (30) days after becoming eligible. Absence of such written request shall disallow the employee from receiving the incentive for any given four (4)-month period. (It is understood that sick leave used in conjunction with receiving workers' compensation benefits shall not be considered sick leave solely for the purpose of eligibility to receive the sick leave incentive.) In its discretion, the City may reserve payment of the sick incentive to eligible employees to a week in which the employee earned no overtime. Covered employees, in lieu of one days' pay, may elect to be credited with an additional vacation day to be taken in accordance with the department vacation policy.

LEAVE OF ABSENCE WITH PAY

Upon approval of the appropriate Department Head, special leave with pay shall be granted to regular employees as follows:

Jury/Witness Duty Pay: A leave of absence with pay shall be granted to an employee called for jury duty or as a witness in a case (where the employee is not a plaintiff or defendant). The City will pay the difference between the juror's pay or witness fee and the employee's regular rate of pay. An employee required to report for jury duty or as a witness during that employee's regular working hours, but then not detained by the Court, shall immediately return to their regular place of employment with the City.

Bereavement Leave: An employee, who suffers the loss of spouse, child, parent, step-parents, or step-children, shall be allowed paid leave at the employee's regular rate of pay for all scheduled hours lost for up to five (5) days for attendance at the funeral and/or handling of necessary arrangements. An employee who suffers the loss of a brother, step-brother, sister, step-sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, and grandchildren may be allowed to receive the employee's regular rate of pay for the scheduled hours missed for up to three (3) days for attending the funeral and/or handling the necessary arrangements.

Special Meetings and Examinations: Whenever it is deemed to be in the best interest of the City, an employee may be granted time off with pay to attend professional seminars, institutes or conferences, or other similar meetings. In all cases, such leave requires prior approval by the employee's Department Head.

National Guard and other Armed Forces Reserve Training: An employee who is an active member in one of the United States military or naval reserve units shall be granted a leave of absence when required to perform in active duty training (drills) or annual training sessions. The employee (or an officer from their command) must give advance notice (either written or verbal) of scheduled/upcoming military service of any type. The City will pay the difference between the per diem received from the military, including subsistence and quarter's allowance, and the employee's regular rate of pay; conversely, the employee shall be entitled to keep the amount received from the military that exceeds the regular rate of pay. During these training periods, an employee may choose to utilize part or all accrued vacation time, not to exceed the total accrual. If vacation time is elected, the employee may keep the pay received from the military for those days taken as vacation.

Cancer Screening: The City recognizes the importance of the American Cancer Society's guidelines for the early detection of cancer and, therefore, allows up to four (4) hours leave per fiscal year for

individuals customarily working daytime hours, Monday through Friday, for various cancer screenings, i.e. breast, prostate, colon, uterus, etc. Unused cancer screening leave hours shall not be carried forward into subsequent years nor paid in the event they are unused or the employee separates from service during the year in which they are available.

CATASTROPHIC LEAVE

In the unusual event of a non-occupational, life-threatening illness or disease that has disabled an employee from performing duties, that employee may, upon exhausting all accrued sick leave, petition the City Administrator through the employee's Department Head to become eligible for catastrophic leave. This program allows employees to continue receiving sick leave benefits based upon the amount of donations received up to one hundred and fifty (150) days, until released to return to work by a physician (either part-time or full-time). In order to be eligible for catastrophic leave, an employee must first utilize at least twenty-five (25) days of sick leave, vacation, leave of absence without pay, or a combination thereof, before becoming eligible for this program. Catastrophic leave may also be requested to provide care to an employee's spouse and/or children in a documented catastrophic situation.

The City Administrator has the discretion to determine whether or not to grant such leave based on all of the medical information provided by the employee's attending physician(s). The decision in any particular case will not create a precedent for how future requests are decided.

Upon approval by the City Administrator, a notice shall be issued to all other City employees advising them of the approved leave. Employees with at least 30 days of accumulated sick leave shall be allowed twenty (20) work days to submit a written notice to Human Resources specifying the number of sick leave days that they are interested in donating, not to exceed six. The specified number of donated days shall be deducted from the donor's accumulated sick leave and held in reserve to cover the request. Should the employee return to work on a part-time basis, only the unworked hours shall be considered sick leave time. Any unused donated sick leave shall be restored to the donors on a pro-rated basis once the catastrophic leave period has ended.

The City does not permit "double dipping" while on catastrophic leave. If an employee is receiving income protection coverage while on leave, only the amount of pay not covered by income protection will be covered under the catastrophic leave.

This policy is intended to be consistent with other provisions of the Personnel Policies, namely Accumulation of Sick Leave and Termination of Employee Status. Therefore, these policies shall remain in full force and effect during catastrophic leave.

LEAVE OF ABSENCE WITHOUT PAY

Family and Medical Leave Act (FMLA): The City complies with the Federal Family and Medical Leave Act (FMLA) and the State Family Medical Leave Act. The more generous of the two laws will apply if an employee is eligible under both Federal and State law. Please note there are many requirements, qualifications, and exceptions under these laws, and each case will be evaluated on an individual bases.

While on FMLA, an employee's job, or an equivalent job, is protected while the employee is on leave. Both Federal and State law require that the employee be reinstated to the employee's position or to another job of like pay and status at the end of FMLA leave.

To qualify for Federal FMLA, employees must have worked for the City for at least 1,250 hours in the preceding 12 months. Eligible employees can take up to 12 weeks of unpaid, job protected leave within a 12-month period, starting from the first qualified day of absence, for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

An employee does not need to use FMLA leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

When the City becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the City will provide written notice to that employee of eligibility for FMLA leave. Typically, if an employee is absent due to the same qualifying event for a combined period of five (5) days, FMLA period will commence retroactive back to the first day of absence.

If an employee does not expressly request FMLA leave, the City reserves the right to designate a qualifying absence as FMLA leave and will give notice of the FMLA designation to the employee. If an absence is due to a qualifying event under FMLA, the leave will run concurrently with short-term disability, PTO, worker's compensation, and/or any other leave where permitted by State and Federal law. FMLA leave and paid vacation or sick leave will run concurrently as provided under the City Policies.

Under FMLA, benefits will continue as if the employee was still at work. Employees are responsible for paying their share of benefit premiums while on uncompensated FMLA. Failure to pay premiums or make payment arrangements may result in benefit cancellation.

Generally, employee's must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the City as soon as possible and, generally, follow the City's usual absence procedures.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, 866-4-USWAGE or www.dol.gov/whd if they believe the City has misinterpreted or misapplied FMLA.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.

Leave of Absence: Any regular employee of the City may be granted a leave of absence without pay by the City Administrator upon recommendation of the applicable Department Head. Such leaves of absence will only be granted when the Administrator determines it to be in the best interest of the City. The employee's past record and the purpose for which the leave is requested shall be the governing factors for granting such leave.

During such unpaid leave periods, the City will no longer provide its share of the cost of all fringe benefits otherwise available to the employee. The employee may maintain these benefits by paying the full cost. In addition, if the employee is on unpaid leave status for a period exceeding ten (10) days within any given month, the accrual of vacation and sick leave shall cease.

Military Leave (USERRA): The Uniformed Services Employment and Reemployment Rights Act ensures that members of the uniformed services are entitled to return to their civilian employment upon completion of their service and that they be reinstated with the seniority, status, and rate of pay they would have obtained had they remained continuously employed by the City. USERRA prohibits discrimination against a person in hiring, retention, promotions, or other benefits of employment because that person "is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service."

An employee who leaves the City to serve in a uniformed service will be placed on military leave without pay for the period that individual is required to remain in the military service.

A five (5) year limit (with some exceptions) is imposed on the cumulative length of time a person may serve in the military and remain eligible for reemployment rights. This does not include scheduled drills or annual training sessions. The employee must have been released from service under honorable or general conditions.

An employee must give advanced notice either written or verbally to the City prior to departing for military service, unless the notice is precluded by military necessity (classified recall).

Employees need to comply with the time limits set under USERRA for reporting back to work after military service. The required reporting time is based on the length of time in uniformed service, not the type of service, and requires documentation of such service, if available. The City may request documentation directly from the military if none is provided.

The City will provide health insurance coverage at the employee's request for an 18-month period with payment of up to 102% of the full premium in conjunction with COBRA.

The employee may use their vacation time in conjunction with Military leave, but is not required to do so. If vacation pay is elected, the employee will not be eligible to "buy back" that time at a later date.

Military service is not considered a break in employment for pension benefit purposes and is considered service for vesting and benefit accrual purposes. The employee has the right to make up any missed contributions that would have otherwise been made if not for active military duty. The employee has three times the duration of military service (up to a maximum of fifteen years) to make-up the contributions. The City will make any matching contribution due the employee during the employee's make-up period.

For further information on USERRA and other military protection acts, you can visit the United States Department of Labor Website: <https://www.dol.gov/vets/programs/userra/>

NON-DISCRIMINATION, SEXUAL AND UNLAWFUL HARASSMENT

EQUAL EMPLOYMENT OPPORTUNITY

The City of Lewiston does not discriminate in hiring, promotion, discharge, layoff, recall, transfer, leave of absence, pay, fringe benefits, job training, classification, referral, or any other aspect of employment on the basis of race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or military service.

AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMODATIONS

The City also provides reasonable accommodations that do not impose undue hardship on the City to qualified applicants and employees with disabilities.

Employees and applicants who require a reasonable accommodation should contact their Department Head and/or the Human Resources Division. Please see Appendix B that outlines the procedure for making and responding to a request for accommodation by a disabled employee or applicant.

HARASSMENT PREVENTION POLICY

The Maine Human Rights Act and the Civil Rights Act of 1964 (Title VII) as amended, prohibit sexual and other unlawful harassment. The City has zero tolerance for unlawful and/or sexual harassment. Harassment based on a characteristic protected by law, such as race, color, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by State or Federal law, is prohibited.

Harassment of City employees by management, supervisors, coworkers, or nonemployees who are in the workplace is absolutely prohibited. Any retaliation against an individual who has complained about sexual or unlawful harassment, or retaliation against individuals for cooperating with an investigation of a harassment complaint, is also unlawful and will not be tolerated.

“Unlawful harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; substantially and unreasonably interfering with an individual’s work performance; or otherwise adversely affecting an individual’s employment opportunities because of that individual’s membership in a protected class.

Unlawful harassment includes, but is not limited to, inappropriate: epithets; slurs; jokes or pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile or intimidating acts based on race, color, ancestry, national origin, gender, gender identity, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by State or Federal law.

“Sexual harassment” is generally defined under both State and Federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual’s employment or a basis for employment decisions; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work

performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

Within each City Department, the Department Head or designee is responsible for day-to-day compliance with this policy and for the prevention and correction of illegal discrimination.

Any employee who feels subjected to sexual or unlawful harassment or any other form of discrimination, or who has observed another employee being subjected to sexual or unlawful harassment or any other form of discrimination, should report the conduct to their Immediate Supervisor, Division/Department Head, or Human Resources. The Human Resources Division will be available to assist in processing complaints. An employee can report sexual or unlawful harassment or discriminatory treatment verbally or in writing. All allegations of sexual or unlawful harassment and discrimination will be investigated immediately.

Employees are also entitled to file a complaint with the Maine Human Rights Commission. The Maine Human Rights Commission can be reached by telephone at (207) 624-6290, fax (207) 624-8729 or by mail at #51 State House Station 19 Union Street, Augusta, ME 04333.

The Maine Human Rights Act also prohibits any employer or individual from punishing or penalizing, or attempting to punish or penalize, any person for seeking to exercise the rights protected by the Maine Human Rights Act, for reporting a violation of the Maine Human Rights Act, and for testifying in any proceeding brought pursuant to the Maine Human Rights Act.

The City's procedure for investigating harassment complaints can be found in Appendix A.

SAFETY

Providing a workplace free from foreseeable hazards and promoting safe work practices for employees is of paramount importance to the City. When an employee is injured, the employee suffers pain, potential disability, and loss of income and the City loses valuable services provided by that employee. Where there is property loss or loss from a liability exposure, the taxpayers of the City are put at risk. Through the collective efforts of all City employees working safely and protecting the City's assets, the City, its employees, and its citizens benefit.

No job or task is so important or urgent that employees cannot take the time to perform it safely. When in doubt, the safe course must be taken. By accepting City employment, the employee agrees to abide by generally accepted safety rules and regulations.

Departments may establish safety regulations to be followed by those working or operating under the jurisdiction of those departments. Employees assigned to work at work sites outside their regularly assigned department will follow the safety procedures of the site at which they are working.

The City is responsible for the proper maintenance of all City property, so it is vital that oversights and negligence in work practices be eliminated. All City employees must contribute to the welfare of the City by being alert to deficiencies and conditions that may reasonably lead to injury or property loss and reporting such conditions to the responsible department.

Every supervisor and manger is responsible for ensuring that each employee under that supervisor's authority is aware of necessary safety protocols and that assigned work locations are free from recognized hazards and that each task or function is performed in compliance with applicable safety provisions. Supervisors and managers set the standard by leading "by example," following all applicable safety standards and supporting employee efforts to work safely at all times.

Every employee has the responsibility to perform each task in a safe and efficient manner. Safe working habits and conditions, such as cleanliness, use of first-aid kits, or required Department of Labor regulations, will be observed by all employees. All safety equipment assigned to the employee such as safety glasses and hard hats will be worn as required by the employee's supervisor, Department Head, and/or the Safety Coordinator. Failure to comply with such requirements will be just cause for discipline, up to and including termination.

PPE (personal protective equipment) shall be assigned by the appropriate supervisor, Department Head, or the Safety Coordinator. All equipment must be treated with care and properly maintained by the employee. Equipment like confined space entry tripods, harnesses, retrieval devices, fall protection, gas meters respirators, and other such devices are important life safety equipment. This equipment is also expensive to replace which adds an additional financial burden to citizens. Employees found damaging these pieces of equipment due to lack of care will be subject to discipline up to and including termination.

In accordance with State lave, seatbelts shall be worn by all employees while operating or riding in City owned/leased vehicles. Employees using their personal vehicles during the performance of their duties on behalf of the City shall wear seatbelts.

All City employees have the responsibility to notify a responsible City official of legitimate unsafe working conditions. There shall be no reprisal or retaliation against any employee for bringing such information forward. Frivolous reports by employees or retaliation by supervisors shall be dealt with in accordance with established disciplinary policies.

Department managers and supervisors shall make periodic informal inspections of building facilities to ensure that the desired standards for housekeeping and safe employee conduct are maintained. On-the-spot correction of deficiencies shall be noted. Corrections requiring special unbudgeted funds or those that are beyond the control of the department manager shall be presented to the City Administrator.

The City has a standardized procedure of reporting injuries and property loss to facilitate the correction of unsafe working conditions. All departments shall use this standardized procedure and report injuries at once to the department's designee, Human Resources, and the Safety Coordinator.

All personal injuries must be reported immediately to the appropriate supervisor or Department Head. If an employee is unable to immediately report the injury, it must be reported within 30 days under workers compensation guidelines. The City must submit the first report of injury within 7 days of the employee's notification and provide a copy of the first report to the injured employee.

Supervisors and managers shall:

- Provide safe work location facilities, machinery, and equipment;
- Educate City employees in safety standards, policies, and accident reporting;
- Provide training on the proper method to perform each job safely;

- Provide proper orientation to new employees, with particular emphasis on introducing the City's and departmental safety policies and operating procedures;
- Identify and correct unsafe work conditions and/or actions in a prompt manner;
- Investigate work related injuries or illnesses thoroughly and in a timely fashion;
- Monitor employee actions and behavior in the workplace to ensure that no employee is endangering that employee, the safety of other employees, or the public;
- Provide fair and consistent application of safety rules and procedures by informing employees of these rules and by using corrective action to gain compliance, if necessary;
- Make safety recommendations to facilitate or improve any existing work situation;
- Ensure that employees follow all applicable policies concerning the prohibited use of drugs and alcohol while performing their job for the City;
- Inform all employees of unsafe conditions that cannot be immediately corrected and take steps necessary to establish all precautions to prevent loss;
- Ensure that all required Federal, State, and local training is provided and documented.

To the extent this is accomplished, the employee is afforded maximum safety in the workplace and the City is provided with a workforce that is both efficient and responsible.

Employees shall:

- Conduct themselves in a professional and courteous manner that ensures maximum safety to all persons;
- Know and follow the proper and safe way to perform all of their job tasks;
- Know how to use and properly maintain all required personal protective equipment;
- Be knowledgeable of, and follow, all departmental safety rules, policies, and procedures;
- Report any unsafe working conditions or practices to their immediate supervisor or to another appropriate responsible supervisor;
- Report all accidents or injuries to persons or property promptly to their supervisor or other responsible official;
- Make safety recommendations to facilitate or improve any existing work situation;
- Wear clothing that is appropriate and suitable for the work environment and of the type that offers required or appropriate protection from accidental injury or foreseeable hazards;
- Ensure the workplace is secure and not allow the public in before and after hours of operations;
- Report to work free from the influence of drugs and/or alcohol, which could cause or contribute to unsafe working conditions for the employee, co-workers, or the public.

In the event that voluntary compliance with this policy cannot be achieved and for situations involving violations of this policy and the Drug Free Workplace Policy found in Appendix F, the following progressive discipline may be used as a guide, depending upon the infraction and the severity of the offense. Any disciplinary action taken should be in accordance with the City's personnel rules and regulations or appropriate collective bargaining agreements.

1. Counseling session
2. Oral warning
3. Written warning
4. Suspension
5. Discharge

EMERGENCY CLOSINGS

Closings due to inclement weather are at the full discretion of the City Administrator or designee. In the event of a delay or closing due to weather, all regular employees who would have normally been at work during the delayed hours or closing will be compensated for the regular work time lost.

If an employee is on scheduled and pre-approved vacation, using sick leave, on leave without pay, or out using their comp time when an emergency closing takes place, the employee will continue to be charged for vacation, sick, leave without pay, or comp time as planned.

If an employee decides not to report to work due to weather conditions on a day that the City operates for part or all of that day, the employee's absence must be charged to vacation, comp time, or leave without pay for the entire time during actual working hours that the employee is absent.

ETHICS, CONFLICTS OF INTEREST, CODES OF CONDUCT, AND CONFIDENTIALITY

The proper operation of democratic government requires that City employees be honest, fair, impartial, and responsive to the needs of the people in performing their respective functions and duties; that public office not be used for personal gain; and that City employees maintain a standard of conduct that will inspire public confidence in the integrity of the City's government. To this end, the City has adopted a Code of Ethics. The Code covers issues such as City contracting, purchasing, and employment; the disclosure of confidential information; gifts, favors, and things of value offered to employees from individuals, organizations, or companies in an attempt to influence an employee in that employee's official capacity; the use of City property for personal purposes; and other situations that may create a real or perceived conflict.

USE OF CITY PROPERTY

No City employee shall use or permit the use of any City-owned property, including but not limited to motor vehicles, equipment, and buildings, for any private purposes except in accordance with written policies established by the City Council, City Administrator, City Department Head, or collective bargaining agreement.

POLITICAL ACTIVITIES

No City employee shall participate in any political activity that would be in conflict or incompatible with the performance of that employee's official functions and duties for the City. Employees may not use their official authority or position for the purposes of influencing, interfering with, or affecting the results of any election, nor shall they solicit or accept funds or contributions during the work day from other City employees for political purposes. Nothing herein shall be construed to prohibit any City employee from participating in the political process in their capacity as private citizens or as candidates for elected office.

Hatch Act: Certain employees are covered by restrictions of the Federal Hatch Act, which applies to those departments receiving federal funds, and are subject to its provisions. Where such provisions are more restrictive than the provisions of these Personnel Policies, such additional restrictions shall apply. The Federal Hatch Act also restricts the political activity of those employees involved with programs financed in whole or in part by Federal loans or grants. Employees involved in such activities should familiarize themselves with the requirements and limitations imposed by this Act. Employees found to

have violated the Hatch Act may be subject to dismissal or the employing agency forfeits a portion of the federal assistance equal to two years' salary of the employee.

INCOMPATIBLE EMPLOYMENT

No City employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that employee's official duties or would tend to impair independence of judgement or action in the performance of those official duties.

REPRESENTING PRIVATE INTERESTS BEFORE CITY AGENCIES OR COURTS

No City employee shall appear on behalf of private interests before any agency of the City. City employees shall not represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party unless the employees are representing themselves as private citizens on purely personal business or have been subpoenaed to appear. No City employee shall accept a retainer or compensation that is contingent upon a specific action by a City agency.

DISCLOSURE OF INTEREST IN LEGISLATION

Any City employee who has a financial, special, or other private interest, and who participates in discussions with or gives an official opinion to the Council, shall disclose the nature and extent of such interest to the Council and the public.

DISCUSSION OF FUTURE EMPLOYMENT

When a City employee has been offered or is discussing future employment with a person, firm, or any other business entity that is presently dealing with the City concerning matters within the employee's current official duties, that person should disclose such possible future employment to the Human Resources Division.

APPLICABILITY OF CODE

When a City employee has doubt as to the applicability of a provision of this Code to a particular situation, that employee should apply to the Deputy City Administrator for a written advisory opinion and be guided by that opinion when given. The employee shall have the opportunity to present that employee's interpretation of the facts at issue and of the applicable provisions(s) of the Code before such advisory decision is made. All such requests for advice shall be treated as confidential.

EMPLOYEE CONVICTED OF A CRIME

Any City employee convicted of any crime involving falsification in official matters; bribery and corrupt practices; obstructing governmental administration; or of an offense determined to have a detrimental effect on the employee's credibility to carry out the duties and responsibilities of employment with the City, may be subject to discipline up to and including termination.

ANTI-NEPOTISM

A municipal employee shall not hold a supervisory position, or be senior in the chain-of-command, to an individual with whom that employee has a familial relationship or financial involvement. No new municipal employee may be hired where such hiring would create such a situation. No existing municipal employee may be promoted, transferred, demoted, or otherwise reassigned into a new position where that change would create such a situation or where it would violate the principals of internal control.

A municipal employee may hold a supervisory position, or be senior in the chain-of-command, to an individual with whom there is a familial relationship or financial involvement when, and only when, the following conditions are met:

- a. The relationship is disclosed to the City Administrator's office in advance;
- b. The City Administrator's office approves a written management plan that provides ongoing oversight by a person or persons not subordinate to either of the individuals who have the familial relationship or financial involvement. The plan will be structured to prevent favoritism or any other improper influences in connection with the employment relationship; and
- c. The management plan is on file and available for public inspection in Human Resources.

Should a familial or financial relationship arise between a municipal employee who is a supervisor or in any part of the chain-of-command of another municipal employee and create a relationship that would be subject to this section, the supervisor or individual within the chain of command must immediately disclose the relationship to the City Administrator and meet the conditions outlined above.

CONFIDENTIAL INFORMATION

As a City employee, you may have occasion to come into knowledge and/or possession of personal and private information relating to city residents, other employees, or those who conduct business with or on behalf of the City. City employees have a fiduciary duty to protect all confidential information to which they have access and to keep such information private.

No City employee shall, without proper legal authorization, disclose confidential information concerning the finances, personnel, property, government, or affairs of the City, nor shall employees use such information to advance their financial, special, or personal interest or the financial, special, or personal interest of others. "Confidential information" shall mean any information, oral or written, that comes to the attention of, or is available to, a City employee only because of the employee's position with the City and that is not a matter of public record. Information received and discussed during an executive session of the City Council or any City agency pursuant to 1 M.R.S.A. § 405 et seq. shall be considered confidential and shall not be disclosed to any third party unless permitted by such body.

Financial and employee information from any source and in any form, including information about another employee that comes to the City directly from that employee, belongs to the City, is private and confidential, and is available solely because of the employees relationship with the City. A City employee should not disclose private and confidential financial or employee information to anyone or to any entity, and shall use that information solely for the performance of official job duties. City employees should not access financial or employee information outside of their respective job duties without express written authorization from the administrative authority responsible for the use of that

information. Breaches of confidentiality will result in disciplinary action up to and including termination of employment.

If an employee is unsure whether specific information is confidential or a matter of public record and subject to release, that employee should consult with the supervisor or the City's designated Freedom of Access Officer.

AFFIRMATIVE OBLIGATION

City employees have an affirmative obligation to report all suspected violations of this Code of Ethics, Code of Conduct, Conflict of Interest, or breaches of confidentiality. Community members, officers, or employees have an affirmative obligation to report information related to any of the following prohibited activities, including, but not limited to: violation of any law, regulation, or ordinance; conflicts of interest; fraud, waste, or misuse of City property, resources, or time; improper or illegal use of authority; creation of a specific and substantial danger to public health or safety by failing to perform duties required by the City position held; theft, misuse of, or misappropriation of City resources, property, information, assets, or funds, or an attempt to do any of the same; intentional falsification of records or the willful and unauthorized destruction and/or mutilation of any City document or other official document, report, or form, including City financial records, other than in accordance with the City's record retention policy and/or applicable State law; intentionally submitting false claims for payment or reimbursement; knowingly submitting and/or signing a timesheet that contains false information; forgery or intentional unauthorized alteration of a City document or other official document, application, report, or form including but not limited to City financial documents; improprieties in the handling or reporting of financial transactions for the City; authorizing or receiving payment by the City for goods not received or services not performed; computer related activity involving unauthorized alteration, destruction of data, forgery, or manipulation of data or misappropriation of City-owned software; acts of discrimination, sexual, or unlawful harassment.

Reporting procedures are outlined in Appendix C, Whistleblower Reporting Procedures.

Violations of this affirmative obligation may result in disciplinary action up to and including termination.

WHISTLEBLOWER PROTECTION

In compliance with the Maine "Whistleblower's Protection Act," the City has established procedures for City employees, officers, and community residents to report alleged illegal, fraudulent, and/or improper activities by employees and to assure that such reports do not result in retaliation by the City.

No officer or employee shall use or threaten to use any official authority to influence, restrain, or prevent any other person who is acting as a whistleblower in good faith or upon a reasonable good faith belief. No officer or employee shall use or threaten to use any official authority or influence to cause any adverse employment action (including discharge, demotion, suspension, harassment, or other forms of discrimination) as retaliation against an officer or employee who acts as a whistleblower in good faith and with reasonable belief that improper conduct has occurred.

The City may not discharge, threaten, or otherwise discriminate against an employee or a person acting on behalf of the employee, regarding the employee's compensation, terms, conditions, location, or privileges of employment because they report, orally or in writing in respect to the following:

- What the employee has reasonable cause to believe is a violation of the City's Code of Ethics or a law or rule adopted under the laws of this State, the City, or the United States;

- What the employee has reasonable cause to believe is a condition or practice that would put at risk the health or safety of that employee or any other individual;
- What the employee has reasonable cause to believe is an act or omission that constitutes a deviation from the applicable standards governing City licensing or regulatory procedures or violations of City policy on the provision of benefits to clients or residents; or
- The employee is requested to participate in an investigation, hearing or inquiry held by the City, or in a court action; or
- The employee, acting in good faith, has refused to carry out a directive to engage in activity that would be a violation of the City's Code of Ethics Policy, a law or rule adopted under the laws of this State, the City, or the United States, or that would expose the employee or any individual to a condition that could result in serious injury or death, after having sought and been unable to obtain a correction of the illegal activity or dangerous condition from the City.

Procedures for reporting alleged illegal, fraudulent, or improper activities are outlined in Appendix C.
Anonymity

Although every effort will be made to protect the anonymity of the whistleblower, there may be situations where anonymity cannot be guaranteed.

Investigation of Complaints

Depending upon on the nature of the complaint, the City Administrator or designee or the City Attorney will investigate the complaint to determine if misconduct and/or a violation of this policy have occurred. To the extent permitted by personnel privacy laws and collective bargaining agreements, the City Administrator, designee, or the City Attorney will meet with the complainant to discuss the findings of the investigation. Any action required by local, State and Federal law will be applicable.

In the event that the complaint involves the City Administrator, the City Attorney shall advise the City Council of the report. Any investigation of the City Administrator must be compliant with the requirements of the City Charter and State/Federal law.

Penalties

Any officer or employee who violates this policy may be subject to discipline up to and including dismissal. All applicable collective bargaining and City Policy provisions shall apply. All applicable local, State, and Federal penalties shall apply. In addition to all penalties provided by law, any employee, officer, supervisor, or Department Head who has been found by a court to have violated this Policy and the State and/or Federal law under which it is promulgated may be individually liable for damages in an action brought against them by the injured employee.

SPECIAL DEPARTMENTAL RULES

Due to the duties, needs, and responsibilities of the City's various departments, each department may find it necessary to establish and maintain specific rules of conduct and regulations governing its employees. This is particularly the case in public safety departments facing the requirement to efficiently discharge responsibilities for protecting public life and property. Such departmental rules and regulations shall have the same force and effect as do these City-wide rules and regulations. Individual departments shall be responsible for informing employees of such rules, and employees are responsible for complying with them.

EMPLOYEE BENEFITS

Employees are eligible for benefits beginning on the first of the month following date of hire. If an employee does not elect coverage at the time of hire, they must experience a qualifying event or will have to wait until the next open enrollment period to add or make changes to their coverage.

Qualifying events are: birth of child, divorce, marriage, death of dependent/spouse, or loss of coverage provided by entities other than the City. Documentation of a qualifying event may be required. Employees have 60 days from the date of the qualifying event to add or change coverage.

Open enrollment is scheduled for November of each year; benefits to go into effect on January 1st.

F.I.C.A. BENEFITS

The City provides F.I.C.A. coverage for each employee, excluding sworn members of the Police and Fire Departments

SECTION 125 CAFETERIA PLAN

The City provides a Section 125 Cafeteria Plan that enables employees to pay certain qualified expenses (such as health insurance premiums) on a pre-tax basis, thereby reducing their total taxable income and increasing their spendable/take-home income.

HEALTH INSURANCE PLANS

The City provides the Maine Municipal Employee's Health Trust (MMEHT) Dual Option Point-of-Service (POS) C Comprehensive Plan, the Preferred Provider Organization (PPO) 500, (PPO) 1500, or comparable vendor plans providing substantially similar coverages and deductibles (single, two-person, or family plan) to eligible employees and their eligible dependents.

Employees pay a percentage of the annual premium for health coverage. Employee contributions for the POS-C, PPO 500 or 1500 Plans will be determined in accordance to the schedule outlined in the City's Preventive Health Care Management System (see Appendix D).

In the event that an employee takes an approved leave of absence for medical reasons, the City shall continue to pay its share of health insurance costs for a period of six (6) months following the depletion of the employee's accumulated sick leave.

Coverages and benefits under this program may change from time to time. The Human Resources Division will maintain up-to-date information on all current program benefits.

Employee Health Insurance Premium: While the City offers a number of health insurance plans, the employer premium share is based on the Maine Municipal Employee Health Trust's PPO 500 plan. Employees may also choose to enroll in MMEHT's POS C plan, a more expensive plan requiring a larger employee contribution, or MMEHT's PPO 1500 plan, which carries a lower premium and contribution. Human Resources can provide more information on the available plans and employee costs.

For PPO 500, all employees shall contribute no more than the Maximum Health Insurance Premium (MxHIP) payment of twenty-five percent (25%) for Employees hired before 9/1/07 and thirty percent (30%) for Employees hired on or after 9/1/07 for their share of premium costs.

All employees enrolled in MMEHT PPO 500 coverage may voluntarily participate in the Wellness and Health Care Management Program (Appendix C) to reduce their MxHIP by up to 10% (for Single or Employee with Child coverage) or up to 5% each for employee and spouse (for Employee and Spouse/Family coverage).

Employees wishing to participate in the MMEHT Point of Service (POS) C Plan may do so by paying the difference in premiums between the PPO and the Point Of Service Plan. If the employee chooses to voluntarily participate in the Wellness Program, any applicable credits earned through the Wellness and Health Care Management Program outlined in Appendix C shall apply.

The Human Resources Division shall annually provide employees with information on the required premium payments.

Health Insurance Coverage Waiver: Any eligible employee may elect to waive coverage in the City's health insurance plan. Any employee waiving full or partial coverage for which otherwise eligible shall be paid based on the health insurance premiums in according to the following conditions:

1. Any employee eligible for full family coverage, employee plus child(ren) or single coverage, and who elects to waive health insurance coverage shall receive an annual payment equal to the amount of four (4) months of the PPO 500 health insurance premiums for which the employee is eligible.
2. An employee who is eligible for full family plan who opts to take either a "single parent plan" or a "single plan" shall receive an annual payment equal to four (4) months of the difference in the premiums between the PPO plan for which the employee is eligible and the POS plan taken.
3. In the event both spouses are employees who are eligible for health insurance coverage, the ineligible spouse shall receive an annual payment equal to one (1) month of the PPO family plan premium.
4. The payments in lieu of health insurance shall be based on the premiums in effect the month the premiums are paid.
5. If the employee wishes to be reinstated on the health insurance plan or change coverage from a single parent plan (if otherwise be eligible for full coverage), the employee may do so as long as the employee follows the insurance carrier's requirements for evidence of insurability and portability of coverage provisions.
6. If an employee is reinstated (or covered for the first time) after receiving payments for waiving health insurance coverage and during the period covered by the waiver payment, the employee shall repay the City the balance of the payment pro-rated on a monthly basis.
7. In order to receive payment for waiving health insurance coverage or to be reinstated on the health insurance plan, the employee must complete a health insurance enrollment form and, for reinstatement, supply a copy of the loss of coverage letter within the 60 day requirement of the MMEHT.
8. Eligible employees who are married to other City employees covered by the MMEHT shall receive MMEHT life insurance coverage at no cost.

NOTE: Annual and pro-rated payments shall be based on the City's fiscal year, July 1st through June 30th.

FLEXIBLE SPENDING ACCOUNT (FSA) AND HEALTH REIMBURSEMENT ARRANGEMENT (HRA)

For all eligible employees, the City provides a medical and dependent care flexible spending account as allowed under Section 125 of the Internal Revenue Code. Eligible employees bear the cost of either the Flexible Spending Account and/or Dependent Care Options, except for a yearly City contribution of \$200 to the FSA of those employees who are not covered by a collective bargaining agreement and who are participating in the Preventive Health Care Management System.

For those employees participating in the MMEHT PPO 500 or 1500 health insurance plans, the City shall contribute to the employee's Health Reimbursement Arrangement in accordance with the following:

PPO 500: \$1200 Single Plan; \$2400 Family Plan/Employee and Child/Employee and Spouse

PPO 1500: \$1,700 Single Plan; \$3,400 Family Plan/Employee/Child/Employee/Spouse

Employees opting not to participate in the Flexible Benefits Plan or the Health Reimbursement Arrangement immediately upon being employed, or employees who do not comply with the requirements of the Preventive Health Care Management System during any year, will not be eligible to participate until the following calendar year.

Employees beginning service after the beginning of a FSA & HRA plan year will have the employer's contribution to their FSA and/or the HRA account prorated based upon the number of pay periods remaining in the plan year.

DENTAL PLANS

The City provides two dental plans through Delta Dental. The cost of dental premiums is the employee's responsibility. Coverage information and premiums can be obtained from the Human Resources Division.

VISION PLAN

The City provides a vision plan through MMEHT and VSP. The cost of the vision premium is the employee's responsibility. Coverage and premium rates can be obtained from the Human Resources Division.

LIFE INSURANCE

The City provides a life insurance program through the MMEHT. All participants receive basic coverage equal to one (1) times the employee's annual salary at no cost. Employees may elect to purchase supplemental coverage and dependent coverage at their cost. Rate information is available from Human Resources.

Employees not electing Supplemental Life upon date of hire but interested in obtaining it at a later date will be subject to an Evidence of Insurability requirement through MMEHT. Coverage will be provided at the discretion of the Health Trust.

INCOME PROTECTION PLAN

The City provides the MMEHT Income Protection Plan to all employees customarily working at least twenty (20) hours per week on a year-round basis. Plan premiums are the employee's responsibility. Rate information is available from Human Resources.

Employees not electing Income Protection upon date of hire but interested in obtaining it at a later date will be subject to an Evidence of Insurability requirement through MMEHT. Coverage will be provided at the discretion of the Health Trust.

DEFERRED COMPENSATION PLANS

The City provides three 457K deferred compensation programs through Mass Mutual, ICMA-RC, and Maine Start. For those employees **not** participating in MEPERS, the City will match the employee's 457 contribution up to a maximum of 6% of earnable compensation; not to exceed the maximum contribution allowed by law. The City does not contribute to the 457K's of employees participating in MEPERS.

ROTH IRA

The City provides a Roth IRA Plan through ICMA-RC. Employees may either contribute a flat amount or a percentage of earned compensation. The City does not provide a matching contribution to a Roth IRA.

MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM (MEPERS)

An employee who is or would be covered by the United States Social Security Act as a result of employment by the City may elect to be a member in the Maine Public Employees Retirement System (MEPERS). Employees must elect to be a member of the program at the time of initial hire or on the date first eligibility to participate. Once an election is made, it is irrevocable with respect to all subsequent employment with the City. Emergency Service Personnel (Fire and Police) are required to participate in MEPERS and are not subject to Social Security.

RETIREMENT HEALTH SAVINGS PLAN

The City of Lewiston currently provides a Retirement Health Savings [RHS] plan to its non-union employees. On February 28th of each year, employees shall contribute the specified number of vacation and unused, accumulated sick leave days to RHS, based on the employee's number of accrued vacation and sick leave as follows:

Accumulated Vacation:

- 30 to 34 days - 5 days
- 35 + days - 10 days

Accumulated Sick Leave:

- 0-24 days - 0 days
- 25-49 days - 1 day
- 50-74 days - 2 days
- 75-99 days - 3 days
- 100-124 days - 4 days
- 125-149 days - 5 days

150-174 days - 6 days
175 days - 7 days

The dollar value of the contributed time taken will be calculated the following July using the employee's rate of pay in effect at that time.

ACCIDENTAL/SICKNESS INDEMNITY PLANS

The City provides AFLAC Accident, Hospital and Cancer Coverage. Plan premiums are the employee's responsibility. Coverage and cost information is available from Human Resources.

WORKERS' COMPENSATION BENEFITS

The City provides workers' compensation benefits as required under Maine law. Employees receiving workers' compensation benefits from another employer may receive sick leave benefits from the City; however, such benefits will be limited to the difference between the employee's full pay and the amount received in workers' compensation benefits from the other employer.

EMPLOYEE ASSISTANCE PROGRAM

The City's Employee Assistance Program (EAP) is designed to assist in the identification and resolution of personal and/or work related problems. EAP functions as a resource for employees of the City and their covered household members. The Human Resources division is responsible for managing the program, and employees interested in utilizing it should contact Human Resources or call the confidential employee assistance program line 1-800-647-9151.

Personal concerns, including but not limited to health, marital, family, financial, alcohol, drug, emotional, stress, or other concerns which may adversely affect employee job performance can be addressed. EAP is expected to assist the City in maintaining a stable, well-functioning work force. EAP, together with the City's Wellness Program, offer education and training for employees on health awareness programs, wellness programs, and lifestyle changes.

This program is strictly confidential, voluntary, and participation in the program will not affect employee job security or advancement opportunities. Each employee utilizing EAP must sign a "Statement of Understanding" that must be witnessed by the EAP Coordinator guaranteeing that State and Federal confidentiality guidelines are followed.

Supervisory and management staff may refer an individual employee to the EAP; however, participation is not mandatory and the employee will not be disciplined if the referral is not accepted. An employee's use of EAP will not automatically shield that employee from disciplinary action related to performance issues or failure to comply with City regulations. It may, however, be utilized simultaneously with a disciplinary process, and the willingness of the employee to use this resource shall be considered in the disciplinary process.

EAP services include but are not limited to the following:

- Toll-free, 24/7 telephone consultation and referral services;
- Face-to-face counseling visits offered to employees and household members;
- Financial Consultation: Unlimited, telephone consultations with a Certified Consumer Credit Counselor;

- Legal Referrals & Discounted Fees: Free, 30-minute telephone or in-person consultation with a qualified attorney; 25% discount on attorney fees after consultation;
- Identify Theft Recovery: telephone consultation to help recovery from and minimize the impact of a breach of identity;
- Live Tobacco Free: online education; telephone consultation with a trained tobacco cessation coach;
- Unlimited child and elder care web-based self-search feature;
- Unlimited web-based convenience/and daily living resources such as household maintenance, relocation, pet care, etc.;
- EAP website resources;
- Case assistance for management referrals, return to work, etc.;
- Workplace trauma response: consultation and recommendations;
- Critical Incident Stress Debriefing (CISD)

DEATH OF AN EMPLOYEE

In the event of the death of a current employee, the employee's estate shall be entitled to all of the benefits provided to an employee upon separation or, if applicable, retirement. This provision does not change, amend, expand, or further any provision of the various specific retirement plans for which an employee may be eligible.

APPENDIX A

SEXUAL AND UNLAWFUL HARASSMENT INVESTIGATION PROCEDURE

City policies and Federal and State law require prompt investigations of sexual and unlawful harassment complaints and, if verified, to remedy any unlawful discrimination in employment, including sexual or other unlawful harassment. It is the policy of the City to investigate every allegation of discrimination or harassment thoroughly. The steps outlined below describe, in a general way, the investigation process to be followed. The City has the discretion to alter the investigatory process as required by the individual circumstances of each reported discrimination or harassment.

Investigative Procedure

1. When a supervisor, Department Head, or the Human Resources Division receives a report of discrimination or harassment, the reporting employee will be encouraged to make a written report of the discrimination or harassment. The reporting employee must sign and date the written report.
2. If the employee does not make a written report, the supervisor, Department Head, or Human Resources Division will document the employee's verbal report and will immediately prepare a written report containing the name of the reporting employee, the date of the alleged discrimination or harassment, the date of the report, and all of the information provided by the reporting employee.
3. The report will immediately be forwarded to the Human Resources Division.
4. The Human Resources Division or the appropriate City official will conduct an investigation which may include interviewing the reporting employee, potential witnesses, and the individual alleged to have discriminated or harassed, and shall prepare a report outlining the results of the investigation.
5. This report will be reviewed by City management and, if necessary, by the City's legal counsel.
6. Management will then develop a resolution to the complaint and implement it.

The investigation may result in a determination that discrimination or harassment occurred, that no such conduct occurred, or that a particular remedy is appropriate even if conclusive findings cannot be made. Remedial action may include suspension with pay during an investigation, suspension without pay during an investigation, reinstatement with back-pay, time off with pay, payment of out-of-pocket expenses, transfer, additional training or termination of employment.

No employee has a right to any specific remedial measure. No employee has a right to any particular procedure. However, the City will treat all employees fairly throughout the course of the investigation.

APPENDIX B

PROCEDURE FOR RESPONDING TO A REQUEST FOR ACCOMMODATION BY A DISABLED EMPLOYEE

City policies and Federal and State law require the City to provide a disabled employee with any reasonable accommodation which is necessary for the disabled employee to perform the employee's job functions.

The Americans with Disabilities Act (ADA) and Maine Human Rights Act (MHRA) protect qualified employees who are disabled from employment discrimination. Under the ADA and MHRA, an employee has a disability if the employee has a physical or mental impairment that substantially limits a major life activity. The ADA and MHRA also protect employees who have a medical record of a substantially limiting impairment and employees who are regarded by others as having a substantially limiting impairment. A substantially limiting impairment is a physical or mental impairment that significantly limits or restricts the employee's ability to perform a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, or learning.

An employee with a disability must be qualified to perform the essential functions of the job in order to be protected by the ADA and MHRA. This means that the employee must meet job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related and must be able to perform all of the tasks that are essential to the job, with or without an accommodation.

An essential function of a job is a basic job duty that the employee must be able to perform in order for the job to be completed. Usually, a written job description establishes the essential functions of any position. However, the actual functions performed by any employee occupying that job, as opposed to those reflected in a written job description, should also be taken into consideration.

The City must provide a reasonable accommodation to any disabled individual who needs such an accommodation to participate in the employment application process or to perform the employee's job and otherwise enjoy the benefits and privileges of employment.

If an employee requests an accommodation on the basis of a disability, the City will take the following steps:

1. Determine, by speaking with the employee, whether the employee requests an accommodation because the employee is disabled.
2. If the employee asserts a disability and, therefore, claims entitlement to the protection of the ADA and MHRA, the supervisor must refer the employee's request for an accommodation to the Human Resources Division.
3. The Human Resources Division will work with the employee and the employee's Department Head to determine whether an accommodation is needed to perform the employee's job and to determine what accommodation or accommodations are reasonable. That determination may include some or all of the following steps:
 - a. An individualized examination of the nature and extent of the employee's disabling condition;
 - b. An individualized analysis of the requirements of an employee's job;
 - c. A medical examination;

- d. An analysis of whether a particular accommodation will enable the employee with a disability to perform the essential functions of the job.

The Human Resources Division, working with the employee and the Department Head, will have the final discretion to choose the effective accommodation, or the most reasonable accommodation, given all of the circumstances related to the employee's abilities and the functions of the job.

In some cases, the City will need to determine whether an employee who asserts entitlement to the protection of the ADA and MHRA is a qualified individual with a disability. This determination, like the determination of the appropriated accommodation, will be made on a case-by-case basis, usually involving the participation of the employee's health care provider(s), and will focus on whether the employee is substantially limited in the ability to perform a major life activity.

APPENDIX C

WHISTLEBLOWER REPORTING PROCEDURES

Prior to submitting a formal Whistleblowing report, employees reporting any alleged violation, unsafe condition, or practice outlined in the City's rules and regulations or consistent with the intent of the Whistleblower Policy, must first bring the concern to the attention of a person having departmental supervisory authority in order to demonstrate that the City has been allowed a reasonable opportunity to correct and properly report that violation, condition, or practice.

When to Report: A complaint filed under this Policy should be filed within 45 days of the date of the act or event that is subject of the complaint.

Whom to and How to Report: If a community member, officer, or employee submits a formal Whistleblower Complaint, they may utilize the form available on the City Administrator's page of the City's web site (<https://www.lewistonmaine.gov/DocumentCenter/View/3012/Whistleblower-Complaint-Form>) or the electronic submittal form located on the City Web site under the Administrator's web page (<https://www.lewistonmaine.gov/forms.aspx?FID=97>), or may submit an alternate written complaint (i.e., letter with contact information or email).

In most instances, employees should submit a Whistleblower complaint to their supervisor or Department Head. Once received by the supervisor or Department Head, a copy of the complaint shall be immediately forwarded to the City Administrator.

If the supervisor or Department Head does not respond to the employee's complaint within a reasonable period of time, the employee may notify the City Administrator using one of the written complaint procedures listed above.

If the employee believes that the employee is unable to report violations outlined in this policy to either their supervisor or Department Head, or the report involves either their supervisor or Department Head, the employee may submit the complaint directly to the City Administrator utilizing the direct reporting function in the City Administrator's web page (which will be directed to the City Administrator or the Acting City Administrator when applicable) or by downloading the form provided on the City Administrator's web site; or by picking up a form at the City Clerk's Office.

All mailed forms should be forwarded to: Lewiston City Administrator, 27 Pine Street, Lewiston, Maine 04240.

Reporting Procedures For Community Members and Officers: All reports or written complaints submitted by officers and community members that do not involve the City Administrator shall be submitted to the City Administrator using one of the complaint procedures listed above.

All reports or written complaints submitted by officers, community members, or employees regarding the City Administrator shall be submitted to the City Attorney. The complaint must be submitted in writing and mailed to the City Attorney c/o Martin Eisenstein, Esq., Lewiston Whistleblower Program, P. O. Box 3070, Lewiston, ME 04243-3070.

APPENDIX D

WELLNESS AND HEALTH CARE MANAGEMENT PROGRAM

The City of Lewiston Wellness and Health Care Management Program (The Program) is pleased to provide this voluntary health care management system which focuses on healthy lifestyles and healthy activities based on documented public health literature. The goal is to reduce the overall need for health care services among members and to prevent disease by rewarding employees and spouses for healthy behaviors that will contribute to healthier outcomes. The Program can be broken down as follows:

I. Health Risk Analysis and Educators

With the exception of Category 1 (or filing applicable spouse waiver), Section II, Category 2, 3, and 4 of this Wellness program will only be in effect upon the first HCE appointment listed in subsection G(i) below. Failure to complete any part of the Category 1 requirements will result in the non-issuance of all Wellness health insurance premium reward reductions outlined in Category 1 through 4 of this Wellness program (if applicable, all waiver requirements outlined in Item D of this program shall be in effect).

- A. The initial element of this program is an individual health risk analysis, which will be available for each member that desires one. This service will be provided by a health care provider that will be under contract with the City to provide these services. The aggregate results of the analysis for all City employees will be available to the City. However, consistent with Federal law, the City will not have access to an individual's health risk analysis.
- B. The contracted health care provider will assign a Health Care Educator (HCE) to work with each and every employee and applicable spouse (herein referred to as "participant") that elect to participate in this health insurance benefit offered by the City. As a condition of enrollment into the City health insurance program, the participant must schedule an annual meeting with the HCE and fully participate in the program.
- C. The City has introduced this program to reward healthier lifestyles through a series of category rewards which can reduce the employee's Maximum Health Insurance Premium (MxHIP) payment by as much as 10% (5% each for married couples) if the participant achieves all program requirements (applicable exceptions noted in Section I, Item G(i) and in Section II, Item D).
- D. Working with those program requirements specified in Item II of this section, the HCE will work to establish a health plan strategy for each participant. Once established, the HCE will work with the participant to provide wellness goals and benchmarks. Educational material and motivation will be a core part of the program.
- E. After the HCE consultation, each participant may receive at least one additional face to face meeting annually.
- F. All participants with access to a computer are required to book their annual HCE appointments utilizing the online appointment calendar. For participants who do not have a computer, appointments may be booked through the Human Resources office and must be done no later than March 31st of each year. All participants are obligated to book their

appointments in sufficient time to guarantee that they secure an HCE appointment for the coverage year. The following outlines what constitutes a failure to meet the HCE appointment requirement and what qualifies as an exception to the requirement:

- Employee or spouse fails to schedule their appointment between January 1st and March 31st of each year.
- Employee or spouse fails to appear for a scheduled appointment (only significant matters of a serious and personal nature will serve as cause for a waiver to be issued by the City Administrator or Deputy City Administrator).
- Appointments cancelled by the HCE will be rescheduled by the HCE within 14 days of the cancellation and shall not result in any penalty to the employee or spouse on the condition that the employee and/or spouse meets with the HCE before the end of the coverage year. Exception, if there are less than 14 days remaining in the coverage year at the time of the HCE cancellation, the participant must meet with the HCE no later than February 28th of the following coverage year.
- Unless management disputes an employee's claim that a cancellation or "no show" was job related, job related duties that result in employee cancellations or "no shows" shall require the HCE to reschedule the appointment within 14 days of the cancellation and shall not result in any penalty to the employee on the condition that the employee meets with the HCE before the end of the coverage year. Exception, if there are less than 14 days remaining in the coverage year at the time of the HCE cancellation, the participant must meet with the HCE no later than February 28th of the following coverage year.

Every effort will be made to hold the HCE meetings on the employee's job site. The meetings will be held in a private setting. Depending on the results of the health risk analysis and the goals of the member, additional meetings may be scheduled. Should a face-to-face HCE consultation not be practical (e.g., working out-of-State, serious illness, etc.), participants must contact Administration to approve any phone or other acceptable alternatives.

- G. Qualifying Periods: Fully complying with the requirements of Section II of this program requires the participant to meet the minimum requirement language of Section II within the qualifying period, which shall be as follows:
- The employee's wellness program will be in effect immediately upon the first HCE appointment following the start of employment.
 - All subsequent "Qualifying Periods" shall begin on the next day following the participant's HCE appointment and end in the following coverage year at the time of the next HCE appointment.
 - In order to initially receive the applicable category percentage rewards, the participant(s) must meet the conditions articulated in Section II of this program at the inception of the first Qualifying Period defined above. Meeting the minimum conditions will be required within the "Qualifying Period" as defined above thereafter in order to receive any applicable category percentage credit.

II. Individual Health Care Management Requirements and Savings

All employees who receive city health insurance must pay the employee's share of health insurance as specified in the City Policy or their collective bargaining agreement. Though this wellness program is voluntary, the employee health insurance payment can be reduced by as

much as an additional 10% (5% for employee and spouse if applicable) if enrolled employees and/or applicable spouses meet all category program elements listed in this section.

The details are as follows:

Cat.	Category Requirements for Employee & Covered Spouse	Single & Employee w/Child Reward Premium Savings	Employee & Spouse (family coverage) Reward Premium Savings per Person	Comment*
1	Annual HCE appointment or providing spousal waiver; evidence of participation in HCE/Provider/Doctor risk assessment plan; providing HCE with written proof of annual Provider physical for coverage year	3.50%	1.75%	Failure to comply with any requirement of this Category will DISQUALIFY employee and spouse (where applicable) for premium savings in all categories unless a waiver applies
2	Exercise program approved by HCE - may be reviewed by the participant's Provider	1.75%	0.875%	
3	Non-tobacco product use, including the smoking, inhaling, vaporizing ("vaping") or consumption of nicotine-based products through so called "e-cigarette," "vapor," or similar non-tobacco nicotine delivery devices that utilize non-prescribed nicotine that can be ingested or delivered in any way into the body that is not part of a provider approved and supervised tobacco or nicotine cessation program. Written proof must be submitted to the HCE that participant has enrolled into a Provider approved and medically supervised tobacco or nicotine cessation program.	1.75%	0.875%	

4	Savings is possible by achieving one of three of the following metrics: A. <u>BMI (Body Mass Index)</u> as scored by the WebMD calculator (or similar public health agency calculator); or B. <u>WHTR (Waist-to-Height Ratio)</u> as scored by the Penn State calculator (or similar public health agency calculator); or C. Waist measurement health metric requirements as recommended by the Harvard School of Public Health	up to 3.0%	up to 1.50%	Applicable scoring and program savings listed in charts below
	TOTAL SAVINGS UP TO----- ----->>>>>>	10%	5%	

* See Item D below for category waiver eligibility.

A. Body Mass Index (BMI) Chart and Applicable Savings:

BMI	
Underweight	Below 18.5
Normal	18.5 – 27.4
Overweight	27.5 – 29.9
Obesity	30.0 and Above

Men and Women:

- BMI equal to/less than 27.4 = full compliance at applicable % savings
- BMI equal to/greater than 27.5 but equal to/less than 29.9 = 50% compliance savings
- BMI equal to/greater than 30.0 = not in compliance, therefore not eligible for savings

Chart Source: National Institutes of Health -

http://www.nhlbi.nih.gov/health/public/heart/obesity/lose_wt/risk.htm#limitations

Calculator Source: <http://www.webmd.com/diet/body-calculator>

B. Waist-to-Height Ratio Chart and Applicable Savings:

Male	> Ratio less than 43%: underweight
Female	> Ratio 43% to 52%: healthy weight
	> Ratio 53% to 62%: overweight
	> Ratio over 63%: obese

Men:

- Ratio less or equal to 52% = full compliance at applicable % savings

- Ratio equal to or greater than 53% but equal to or less than 62% = 50% compliance savings
- Ratio equal to or greater than 63% = not in compliance, therefore not eligible for savings

Chart Source: Penn State University Hershey, Pro Wellness Center

http://prowellness.vmhost.psu.edu/prevention/understanding_risk/whtr

Calculator Source: http://prowellness.vmhost.psu.edu/prevention/understanding_risk/whtr



Women:

- Ratio less or equal to 48% = full compliance at applicable % savings
- Ratio equal to or greater than 49% but equal to or less than 57% = 50% compliance savings
- Ration equal to or greater than 58% = not in compliance, therefore not eligible for savings

Chart Source: Penn State University Hershey, Pro Wellness Center

http://prowellness.vmhost.psu.edu/prevention/understanding_risk/whtr

Calculator Source: http://prowellness.vmhost.psu.edu/prevention/understanding_risk/whtr

C. Waist Measurement:

WAIST MEASUREMENT REQUIREMENTS	MEN	WOMEN	FULL COMPLIANCE ONLY
Cannot exceed specified waist measurement	=/< 40"	=/< 35"	5%

Organization	Measurement	Definition of abdominal obesity
American Heart Association, National Heart, Lung and Blood Institute (10)	Waist circumference	Women: > 88 cm (35 inches) Men: > 102 cm (40 inches)

Source: Harvard School of Public Health: <http://www.hsph.harvard.edu/obesity-prevention-source/obesity-definition/abdominal-obesity/>

D. Category Waivers:

1. Waivers for all four categories may be approved on the condition that the participant's Medical Provider (Doctor) has provided a written statement that confirms that the participant cannot achieve any one or more of the categories listed due to a medical reason.

2. The employee and/or spouse may attempt to re-qualify for category rewards after the annual meeting with the HCE, but this will require HCE verification. Participants may not schedule HCE verification appointments. HCE verification appointments must be scheduled through Human Resources and shall only be scheduled within the available appointment dates/times for the applicable calendar year.
3. Participants are authorized to have their Medical Provider confirm any metric needed to obtain a category reward that was not achieved by the participant. All updated medical metric information must be submitted to Human Resources in writing by the Medical Provider and verified by the HCE.
4. The "City of Lewiston Health Care Educator Spouse Waiver Form," may be used by an employee's spouse in place of meeting with the HCE. A completed and signed form must be submitted to the HCE in accordance with the guidelines outlined in the form. Information that shows the individual qualified for credit in categories 1 through 4 must be verified by the HCE in order to receive any category savings. Failure to fully comply with this requirement will result in the non-issuance of applicable percentage rewards. The "Spouse Waiver Form" can be found on the City Intranet site or can be obtained from Human Resources.

III. Employee Health Insurance Premium Cap Table (The Tables)

The Tables below shall be increased by 10% each year. Premium payments between 15% and 25%, or 20% and 30% depending on the employee's date of hire, shall be determined by the employee and covered spouse's participation in the Wellness Program.

Weekly Employee Health Insurance Premium Payment Caps

	<u>1/1/2018</u>	<u>1/1/2019</u>	<u>1/1/2020</u>
Employees hired before September 1, 2007:			
Minimum Rate – 15%	\$120.63	\$132.69	\$145.96
MxHIP Rate – 25%	\$195.90	\$215.49	\$237.04
Employees hired <u>on or</u> after September 1, 2007:			
Minimum Rate – 20%	\$156.90	\$172.90	\$189.80
MxHIP Rate – 30%	\$255.60	\$281.16	\$309.20

APPENDIX E

EMPLOYEE ASSISTANCE PROGRAM OFFERED THROUGH ANTHEM

Anthem's EAP provides standard referrals giving the caller the contact information for a minimum of three providers that best meet the caller's request. Anthem EAP makes every effort to offer counseling sessions at a time and place that is most convenient for members. Members may also access a full listing of providers by logging on to the EAP website at www.anthemead.com. The program has 12,000+ contracted providers, 14,000 locations nationwide, 220 EAP counselors in Maine. All EAP providers hold licenses to practice independently as a behavioral health professional in their respective states of practice and have experience in the provision of EAP services. EAP will offer a specified number of counseling sessions (typically between 3 and 6) with an EAP provider to address problems that affect employee workplace productivity. Members can choose which location and provider best meets their needs. Counseling sessions occur off-site at the provider's office.

EAP provides immediate, confidential access to information, referrals and crisis assistance 24 hours a day, seven days a week. All of the City's employees and their household members may access EAP services directly either toll-free (1-800-647-9151) or online (anthemead.com), or be connected through Anthem's Customer Service. Callers speak directly to an EAP representative or clinician and never receive a busy signal. EAP representatives perform initial telephonic assessments to ensure the member is not in crisis. If the member screens positive for a crisis situation, telephonic counseling is performed for crisis stabilization. Callers in crisis speak with master's level EAP clinicians. Once the clinician stabilizes the caller, the consultant refers the caller to an EAP network provider in the field for face-to-face counseling. Routine callers are also assessed for non-EAP issues such as legal and financial counseling.

Anthem's EAP has confidentiality standards in place for record retention, accessibility, conditions for information release, and use of records. The EAP is HIPAA compliant and adheres to all State and Federal laws, as well as professional licensure standards pertaining to confidentiality and privilege. The EAP will only release individual information with a valid written consent. EAP information will not become part of an employee personnel or medical file.

EAP does not relay individual employees' counseling progress to the City without appropriate informed consent. EAP does provide utilization reports that include the number of individuals accessing EAP, levels of service offered and delivered, types of problems represented by the cases and limited demographics such as employee versus dependent. Individual identifying information is never used in the utilization reports.

For members with behavioral health benefits, EAP associates and providers assist in navigating the system and coordinating care among all available benefits and services. If needed, members may remain in counseling with a behavioral health network provider after exhausting their EAP counseling sessions (minimum 3 sessions), assuming they follow the guidelines of their insurance carrier. The EAP is not involved in charging or authorizing any services consumers receive beyond those available through EAP.

Anthem's EAP providers are members of the community who can help consumers identify appropriate and affordable resources within their local area. This often includes referrals to local service agencies or other resources if an individual does not have health insurance or cannot afford a copayment. The City's Anthem EAP clinical account manager will discuss opportunities to integrate with the employer's

programs. Anthem's EAP fully integrates with Anthem's medical/behavioral health and care management programs.

For employees who have been absent from the workplace, return-to-work assistance can help minimize employer risk and support a returning employee to re-engage with the workplace. In these situations, the EAP clinicians can assess the employee and may establish a return-to-work agreement per the City's policies and procedures.

The City may also formally refer an employee to EAP. The City will consult with EAP Clinicians. Consent of release of information form will be provided to the employee along with details on why a referral is being made and desired outcome. The employee is asked to sign the consent form so the EAP can make a referral on the employee's behalf and provide periodic updates to employer.

EAP may follow employees referred through a formal process for up to 1 year if indicated.

EAP work-life services help increase productivity by compiling resources to assist employees in locating legal or financial professionals, responding to issues of identity theft, finding appropriate care for a loved one, obtaining consumer information, accessing moving and relocation resources, connecting with nearby contractors for home repair and even quitting smoking. EAP includes helpful online work-life services. With Enhanced EAP, work-life specialists provide personalized consultations and local referrals for a variety of care options either via telephone or online.

Anthem EAP offers orientation services to employees via the EAP website or video. Orientations provide a brief overview of services offered and how to access them. Employees are provided communication materials at time of new hire orientation with the City to introduce EAP and explain the services. Materials can be accessed any time at Human Resources.

EAP services include unlimited telephone consultations for supervisors and managers dealing with troubled employees or workplace situations, including management referrals to EAP. The supervisor or manager simply calls the toll-free EAP number to receive immediate guidance from EAP clinical professionals. Employers seeking to refer employees to EAP may simply provide a friendly reminder and encourage the employee to contact the EAP. EAP includes consultation and training services to management/supervisory personnel to assist in resolving employee and employee/supervisor issues. Most managers and supervisors will face a difficult employee situation at some point in their management career. Anthem EAP offers a comprehensive EAP orientation to leadership outlining these key components. EAP also offers more than 20 leadership trainings to aid managers and supervisors in the management of employees.

Anthem's EAP providers consist of psychologists, social workers, marriage and family therapists, counselors and psychiatric nurses who have successfully completed the mental health network selection and credentialing criteria for participating providers.

For routine EAP cases, if an employee or family member requests services and does not schedule an appointment with one of the offered providers within five business days, an EAP associate calls the participant to determine if services are still required and assist with scheduling the first appointment. For urgent calls, an EAP clinician maintains ongoing contact with the caller until appropriate services have been accessed. In emergencies, an EAP clinician maintains ongoing contact with the caller until the emergency is stabilized and EAP assesses that services are not required or were secured through other means.

Anthem's EAP continually measures its performance in the following ways:

- Monitor EAP intake and referral functions at multiple levels;
- Supervisors monitor answer timeliness, associate availability, hold times and abandonment rates daily;
- Supervisors share data for these measures with the team weekly, informing and involving them in plans for improvement;
- Conduct monthly system documentation audits and silent monitoring sessions to ensure quality;
- Ongoing monitoring is provided and managed through Anthem's Networks Quality Management Committee;
- Use an internally developed satisfaction survey to assess the consumer's experience with EAP. EAP associates ask all consumers if they would be willing to participate in a survey. EAP staff will mail the surveys monthly, and analyze them quarterly. For the previous year, the EAP had an overall satisfaction rate of 90%, and 92% of responders said they would recommend Anthem's EAP to others.
- Every three years, EAP obtains updated licenses, malpractice data and any changes to our network providers' information necessary for referrals.

APPENDIX F

DRUG FREE WORKPLACE POLICY

The Drug-Free Workplace Act of 1988 became effective on March 19, 1989. Employees who use drugs, including alcohol, at work or come to work under the influence of drugs may create a hazardous situation for themselves and all those around them. This statement sets forth the policy of the City of Lewiston concerning the use and presence of drugs in the workplace.

It is the policy of the City of Lewiston to maintain a drug-free workplace. The unlawful manufacture, distribution, possession, or use of a controlled substance and alcohol is prohibited in the workplace, unless prescribed by a physician. A controlled substance includes, but is not limited to; marijuana, cocaine, "crack", heroin, and amphetamines.

A violation of the prohibition against drugs and alcohol in the workplace will be treated severely. As a condition of employment, all employees must abide by the terms of the policy. Furthermore, an employee must notify the City of Lewiston if convicted of a drug violation occurring at the workplace within five (5) days of such conviction. If convicted, the following sanctions may be affected:

- A. Requiring such employee to participate satisfactorily in a drug-abuse assistance or rehabilitation program approved by the City of Lewiston; or
- B. Appropriate disciplinary action which may include termination.

The City of Lewiston respectfully requests each employee's cooperation and assistance in maintaining a drug-free workplace while creating a safer and healthier environment for all employees.

**LEWISTON CITY COUNCIL
MEETING OF DECEMBER 4, 2018**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Order authorizing the City Administrator to approve and execute documents for issuing and accepting easements associated with the Bates College STEM Building Construction.

INFORMATION:

Please see the attached information including the letter of request from Wright-Pierce, engineering consultants for Bates College and a memorandum from the Planning Department.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

SPATSKMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to approve and execute documents for issuing and accepting easements associated with the Bates College STEM Building Construction.



COUNCIL ORDER

Order, Authorizing the City Administrator to Approve and Execute Documents for Issuing and Accepting Easements associated with the Bates College STEM Building Construction.

WHEREAS, Bates College has proposed constructing a three-story Science, Technology Engineering, and Math (STEM) Building at 45 Campus Ave; and

WHEREAS, the project will require several easements from both the City and Bates College; and

WHEREAS, the Planning Board at its meeting on October 22, 2018 approved the project with conditions; and

WHEREAS, Bates College consultant Wright-Pierce submitted a request for two easements from the City to Bates College for utilities to be located within the Public Right-of-Way and two easements from Bates College to the City for a portion of a sidewalk to be on Bates College property; and

WHEREAS, Wright-Pierce also identified right-of-way modifications, including changing on-street parking, resulting in a net increase of 9 spaces when both on-street and off-street parking is taken into account; and

WHEREAS, Wright-Pierce also identified reducing the number of curb cuts and installing new pavement markings, including two new pedestrian crossings and associated safety signage; and

WHEREAS, Bates College shall record all easements in the Androscoggin County Registry of Deeds; and

WHEREAS, all Traffic Schedule changes will be made effective upon the issuance of a certificate of occupancy for the STEM Building;

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

That the City Administrator is authorized to execute any documents necessary to complete the agreement, issue/receive the easements as described, and implement the traffic schedule changes as shown on the attached ROW Modification Plan.

UTILITY EASEMENT

CITY OF LEWISTON, a municipal corporation located in Androscoggin County, Maine (the "Grantor"), hereby grants to the **PRESIDENT AND TRUSTEES OF BATES COLLEGE**, a Maine nonprofit corporation with a principal office in Lewiston, Androscoggin County, Maine, with a mailing address of 2 Andrews Road, Lewiston, Maine, 04240, its successors and assigns (the "Grantee"), the perpetual right and easement to enter upon that portion of the public way known as Bardwell Street in Lewiston, Androscoggin County, Maine for the purpose of installing, operating, maintaining, repairing and replacing underground utilities, together with all below-ground fixtures and appurtenances relating thereto, within the "Easement Area," the Easement Area being more particularly described in Schedule A attached hereto and made a part hereof. The following described Easement Area is depicted on a plan attached hereto entitled "Easement Exhibit, City of Lewiston to President & Trustees of Bates College, Figure 1", prepared by Wright-Pierce for the City of Lewiston, dated August 2018

IN WITNESS whereof, the said City of Lewiston has caused this instrument to be signed and sealed this ___ day of _____, 2018.

CITY OF LEWISTON

Witness

By: _____
Its: _____

Type or print name and capacity

STATE OF MAINE
COUNTY OF ANDROSCOGGIN, SS.

Personally appeared before me this ___ day of _____, 2018, the above-named _____, _____ of the City of Lewiston, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity.

Notary Public/Maine Attorney-at-Law
Print/type name: _____
My commission expires: _____

SCHEDULE A
Easement Area

Beginning at a point on the northwesterly line of Bardwell Street, so called. Said point being South 34° 48' 51" West along the northwesterly line of said Bardwell Street a distance of 20.39 feet from the intersection of the northwesterly line of said Bardwell Street and the southwesterly line of Campus Avenue, so called, thence;

1. South 34° 48' 51" West along the northwesterly line of said Bardwell Street a distance of 54.38 feet to a point in the northwesterly line of said Bardwell Street, thence;
2. South 55° 38' 37" East a distance of 50.03 feet to a point in the southeasterly line of said Bardwell Street, thence;
3. North 34° 50' 18" East along the southeasterly line of said Bardwell Street a distance of 15.00 feet to a point in the southeasterly line of said Bardwell Street, thence;
4. North 55° 38' 37" West a distance of 35.03 feet to a point, thence;
5. North 34° 48' 51" East a distance of 39.26 feet to a point, thence;
6. North 55° 11' 09" West a distance of 15.00 feet to the point of beginning.

Said Easement Area is approximately 1,340 square feet in size and approximately fifteen feet wide.

Bearings are Grid North



N/F
BATES COLLEGE
PRESIDENT & TRUSTEES
1681/202, 903/58 &
3497/29

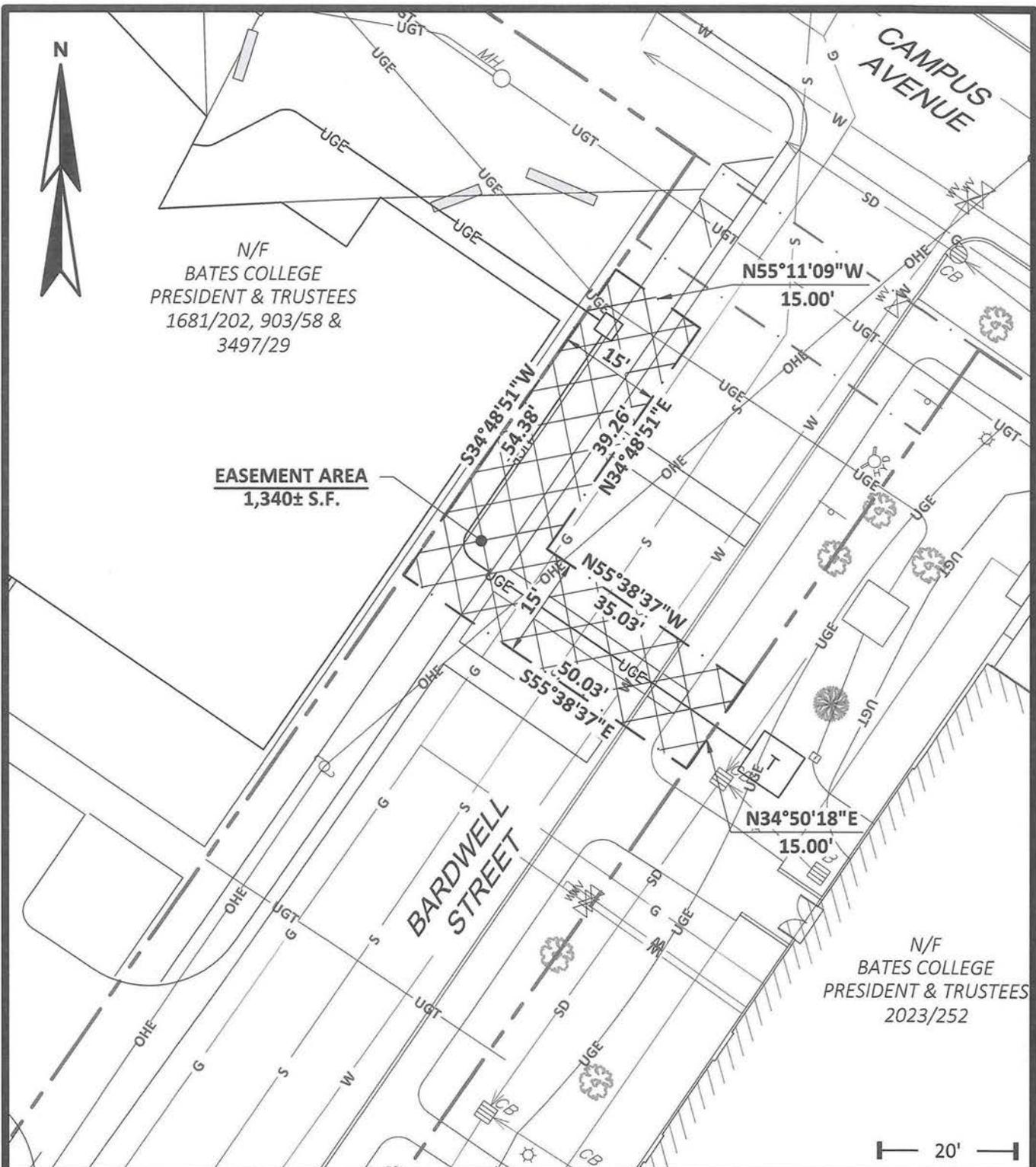
EASEMENT AREA
1,340± S.F.

CAMPUS
AVENUE

BARDWELL
STREET

N/F
BATES COLLEGE
PRESIDENT & TRUSTEES
2023/252

20'



**CITY OF LEWISTON
BATES COLLEGE
STEM PROJECTS
LEWISTON, MAINE**

PROJ NO: 14115 DATE: SEPTEMBER 2018

NO.	REVISIONS	DRAWN BY	APP'D
1			
2			
3			



EASEMENT EXHIBIT
CITY OF LEWISTON TO PRESIDENT & TRUSTEES OF BATES COLLEGE

FIGURE:
1

SIDEWALK EASEMENT

PRESIDENT AND TRUSTEES OF BATES COLLEGE, a Maine nonprofit corporation with a principal office located in Lewiston, Androscoggin County, Maine ("Grantor"), hereby grants to the **CITY OF LEWISTON**, a municipal corporation located in Androscoggin County, Maine, with a mailing address of 27 Pine Street, Lewiston, Maine 04240, its successors and assigns ("Grantee"), the perpetual right and easement to enter upon, construct, maintain and repair, for use as a public pedestrian sidewalk, that portion of the Grantor's real estate located at Nichols Street, Lewiston, Androscoggin County, Maine, within the "Easement Area," the Easement Area being more particularly described in Schedule A attached hereto and made a part hereof.

Grantor and Grantee agree that the Grantor shall have no responsibility to construct, maintain, repair or replace the public pedestrian sidewalk, the obligation for which shall be the responsibility of the Grantee,.

IN WITNESS whereof, the said President and Trustees of Bates College has caused this instrument to be signed and sealed this ___ day of _____, 2018.

PRESIDENT AND TRUSTEES OF BATES COLLEGE

By: _____
Its: _____

Type or print name and capacity

Witness

STATE OF MAINE
COUNTY OF ANDROSCOGGIN, SS.

Personally appeared before me this ___ day of _____, 2018, the above-named _____, _____ of the President and Trustees of Bates College, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity.

Notary Public/Maine Attorney-at-Law

Type or Print Name
My commission expires: _____

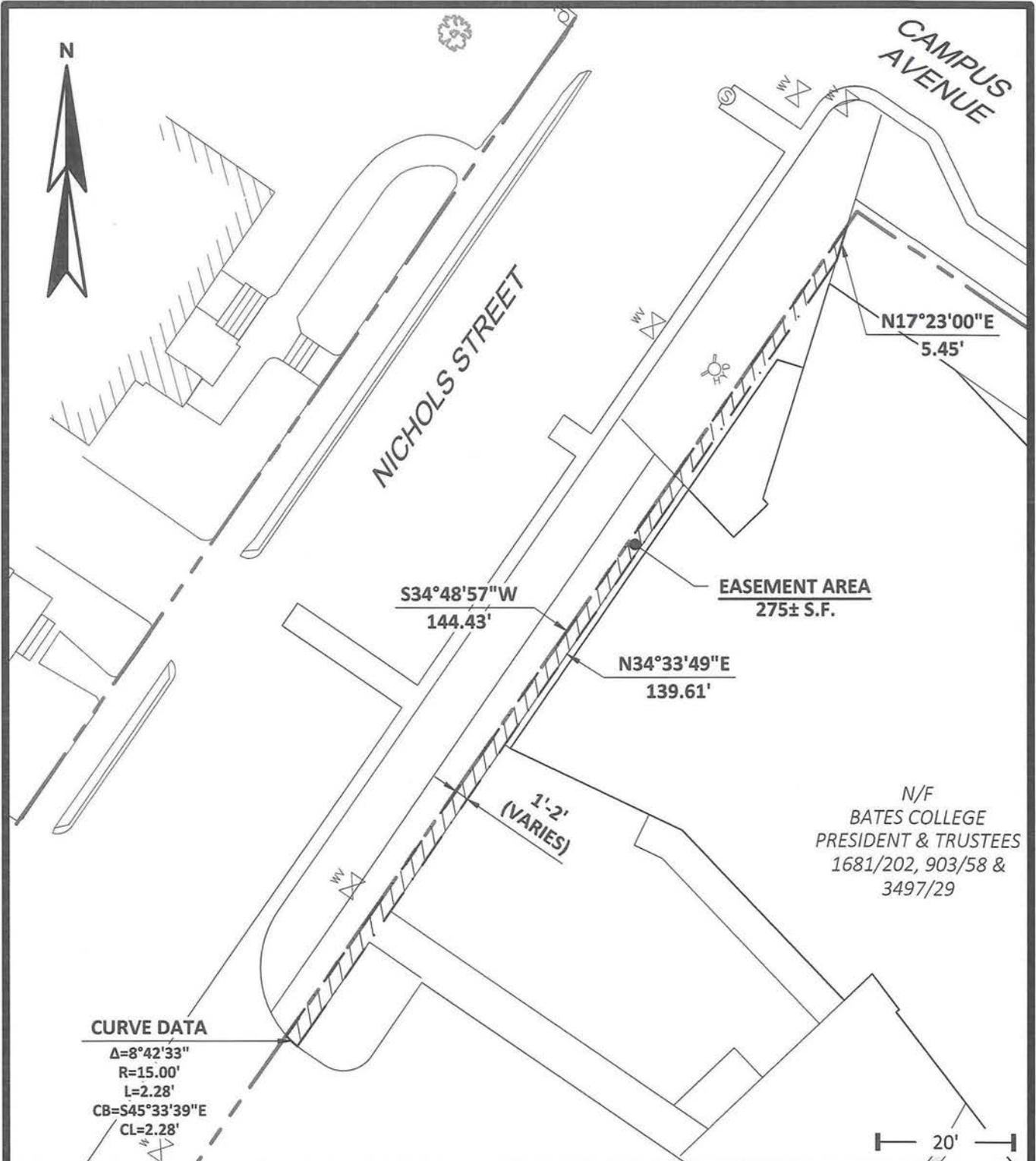
SCHEDULE A
Easement Area

Beginning at a point at the intersection of the southeasterly line of Nichols Street, so called, with the southeasterly edge of sidewalk. Said point being South 34° 48' 57" West along the southeasterly line of said Nichols Street a distance of 1.45 feet from the intersection of the southeasterly line of said Nichols Street and the southwesterly line of Campus Avenue, thence;

1. South 34° 48' 57" West along the southeasterly line of said Nichols Street a distance of 144.43 feet to a point at the intersection of the southeasterly line of said Nichols Street with the northeasterly edge of paved access drive, thence;
2. Southerly and easterly, along the northeasterly edge of said paved access drive, by a non-tangent 15.00 foot radius curve to the left, an arc length of 2.28 feet to the intersection of the northeasterly edge of said paved access drive and the southeasterly line of paved sidewalk. Said curve having a chord bearing of South 45° 33' 39" East and chord length of 2.28 feet, thence;
3. North 34° 33' 49" East along the southeasterly line of said paved sidewalk a distance of 139.61 feet to a point in the southeasterly line of sidewalk, thence;
4. North 17° 23' 00" East along the southeasterly line of sidewalk a distance of 5.45 feet to the point of beginning.

Said Easement Area is approximately 275 square feet in size and varies from approximately 1 foot to 2 feet wide.

Bearings are Grid North.



CURVE DATA

$\Delta=8^{\circ}42'33''$
 $R=15.00'$
 $L=2.28'$
 $CB=S45^{\circ}33'39''E$
 $CL=2.28'$

CITY OF LEWISTON
BATES COLLEGE
STEM PROJECTS
LEWISTON, MAINE
 PROJ NO: 14115 DATE: AUGUST 2018

NO.	REVISIONS	DRAWN BY	APP'D
1			
2			
3			

WRIGHT-PIERCE 
 Engineering a Better Environment

EASEMENT EXHIBIT
 PRESIDENT & TRUSTEES OF BATES COLLEGE TO CITY OF LEWISTON
 FIGURE: **1**

November 29, 2018

Mr. Ed Barrett
City Administrator
City of Lewiston
27 Pine Street
Lewiston, ME 04240

Re: Bates College Easements and Street Modifications
Bates College STEM Projects

Dear Mr. Barrett:

On October 22, 2018 the Planning Board found that the Development Review application submitted by Wright-Pierce on behalf of Bates College met all of the necessary criteria contained in the Zoning and Land Use code and granted approval for the construction of a three-story Science and Technology Building at 45 Campus Avenue, with conditions. The new structure will house classrooms, science teaching and research laboratories, office and support areas. The planning board approval letter, dated October 31, 2018, is attached for reference.

A component of the project and of the Development Review application is a set of easements and improvements in the right-of-way similar to those previously approved and recorded for the recently completed dormitory buildings adjacent to this site on Campus Avenue. Over the past several months the College has worked closely with City staff to develop and agree on the scope and language of the utility and sidewalk easements and the modifications to the pedestrian crossings, curb lines, street signage, esplanades and on-street parking in this vicinity for this project.

We are requesting approval for the development and execution of easements for utilities, sidewalks, and street modifications to Bardwell Street, Nichols Street and Campus Avenue. The proposed easements include, as illustrated in the attached:

Item E1: The project will extend Bates' private electrical services to the proposed building from existing services across Bardwell Street. This will require a 'L' shaped underground easement for underground electrical extending 15 feet in width in an east-west direction across Bardwell Street and extending 15 feet in width north along Bardwell Street abutting the property line. This easement is proposed between two existing underground utility easements recorded across Bardwell Street.

Item E2 and E4: As part of the Project's site design, it is proposed to reconstruct the sidewalks along Bardwell and Nichols Street and Campus Avenue. The sidewalks along Bardwell and Nichols Streets will be relocated against the proposed building to allow for a planting esplanade along the edge of the streets. This will place approximately 2' of the public sidewalk on Bates' property. Bates is requesting that the City approve easements from Bates to the City for the maintenance of the proposed public sidewalks along these two frontages.

Item E3: The site plan proposes that pavers extend from the building entry plaza at the north to the curb line of Campus Avenue, to define the entrance point of the building. A portion of the sidewalks at the entrance will have a paver surface, rather than the standard bituminous pavement surface. The pavers will be similar to the ones used on Alumni Walk, a major Campus artery, which have performed well over many years. They will be placed over a 3" bituminous pavement base. The paver portion of the sidewalk within



the City right-of-way will be subject to an easement from the City to Bates allowing the installation of pavers and for the maintenance of this paved surface by Bates.

We are requesting City Council approval for the following right-of-way modifications include, as illustrated in the attached:

Item R1: The project will impact some on-street parking. On Campus Avenue, one new on-street space will be created by elimination of driveway entrances and the addition of curb extensions. On Nichols Street, two on-street spaces will be lost to the relocation of a fire hydrant and the driveway entrance. On the West side of Bardwell Street, approximately 6 on-street spaces (140') parking Bardwell Street will be eliminated as the existing road width is not sufficient to accommodate parking on both sides of the street. However, the site design provides for 33 off-street parking spaces, an increase of the existing off-street parking capacity. This results in a net increase of 9 spaces between on and off-street parking in the project vicinity.

Item R2: The project will replace and modify the roadway curbs along the three impacted streets. Curb cuts along Nichols Street and Bardwell Street will be reduced and relocated for the new off-street parking area. Two curb cuts along Campus Avenue will be eliminated. Also, along Campus Avenue, an existing raised pedestrian safety area will be extended at Bardwell Street and two new pedestrian safety areas will be added at a new pedestrian crossing at Nichols Street.

Item R3: The project will install new pavement markings in the public way along all three impacted streets. This includes, two new pedestrian crossings at intersection of Nichols Street, the re-striping of existing pedestrian crosswalks at the intersection of Bardwell Street and the re-striping of the center lane marking of Campus Avenue abutting the site.

Item R4: The project will provide new signage located in the public way along all three impacted streets. This includes, new signs for pedestrian crossing, parking regulation and stop signs. Existing street signage that will be impacted by the construction will be removed during construction and reset by the contractor in coordination with the City once the project is complete with any extra signs returned to the City.

Please let me know if you have any questions.

Sincerely,
WRIGHT-PIERCE

Jan B. Wiegman, PE
Project Manager
Jan.wiegman@wright-pierce.com

*Enclosures: Figure: 45 Campus Avenue Easements Summary
Figure: 45 Campus Avenue Right-of-Way Modifications
Figure: 45 Campus Avenue Parking Summary
City of Lewiston Planning Department Approval Letter; Oct 31, 2018*

*cc: Pam Wichroski, Chris Streifel; Bates College
Michael Hinchcliffe, Payette, Architects
Doug Green, Dave Hediger; Lewiston Planning Department*



CITY OF LEWISTON

Department of Planning & Code Enforcement

October 31, 2018

Jan Wiegman, PE
Wright-Pierce Engineering
11 Bowdoin Mill Island, Suite 140
Topsham, ME 04086

Sent by email to: jan.wiegman@wright-pierce.com
cstreife@bates.edu

Re: Bates College Science and Technology Building

Dear Mr. Wiegman:

At the Planning Board meeting of October 22, 2018 the Board found that the application submitted by Wright-Pierce Engineering on behalf of Bates College seeking approval of a new 65,000 s.f. Science and Technology Building at 45 Campus Avenue met all of the necessary criteria contained in the Zoning and Land Use Code, including but not limited to, Article XIII, Section 4 of the Zoning and Land Use Code and granted approval subject to the following conditions:

1. Prior to any certificate of occupancy being issued evidence of a final inspection of the storm water system shall be provided to the city by the designing engineer along with a written statement indicating that the storm water system and all site improvements have been completed in accordance with the approved plans.
2. Prior to a certificate of occupancy being issued, evidence shall be provided of a performance guarantee being recorded in the Androscoggin Registry of Deeds regarding the maintenance and upkeep of the stormwater system pursuant to Lewiston MS4 stormwater requirements.

Please provide a minimum of one (1) mylar's and one (1) paper copy for the Planning Board Chairman's signature. In addition, to facilitate updates of City GIS, any plans submitted for development review are requested to be accompanied by a digital CAD plan data file on compact disc (AutoCAD 2011 or earlier).

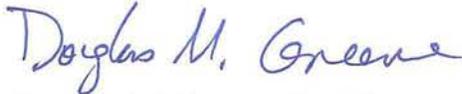
Please be advised that you will need to obtain the proper building and related permits from the Lewiston Planning and Code Enforcement Office before starting any construction or site work.

Please note that if development has not occurred as defined within the scope of this Code within two years, development review approval shall expire. The applicant may not begin construction or operation of the development until a new approval is granted. If necessary, an extension of

development review approval must be made within two years of the initial granting of approval. The applicant must state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of an extension, if granted. Extensions of approval may include information submitted in the initial application by reference. Only one extension of the initial approval shall be allowed under these provisions.

Congratulations on the approval of your project. If you have any questions, please do not hesitate to give me a call at (207) 513-3125, Extension 3223.

Sincerely,



Douglas M. Greene, City Planner

cc: Lincoln Jeffers – Director of Economic & Community Dev.
David Hediger – Director of Planning & Code Enf.
Derrick St.Laurent – Police Dept.
Paul Ouellette / Bruce McKay - Fire Dept.
Rick Burnham / Justin Early – Engineering, Public Services
Jennifer Williams – ARTC

Digital plan submission requirements-

Please include:

- *PDF representation of approved plans, as intended for printing purposes
- *CAD plan data file(s). (*Note, company specific proprietary elements such as digitized survey stamps/seals, logos, digitized signatures, title blocks, are not required in the submitted CAD*)

CAD submission criteria:

*Spatial Attributes:

- Units, decimal feet, projection model: Use NAD83, Maine, State Plane, West, US decimal feet. (ESRI FIPS 1802), vertical datum NAVD1988
- Georeferencing: drawing features must relate to above stated state plane coordinates. City aerial survey CAD data maps are available from the city upon request and *may* be utilized to “best fit” a smaller project. However, survey and data collection based from field RTK GPS control is much preferred, as this minimizes inaccuracies and spatial matching to future adjacent or related projects.
- Care must be taken to eliminate possibility of moving or rotating drawing elements, *once* georeferencing is performed. This will preserve integrity with respect to grid north and state plane coordinates. (*a ‘dview, twist’ or similar CAD display operation will allow for convenient plotting/layout fitting while still proper maintaining spatial reference.*)
- AutoCAD dwg preferred, dxf are acceptable
- Any dependent external referenced (xref’s) should be bound, or included in the drawing file(s) submission. *Other considerations are requested to facilitate GIS implementation
- Drawing layers should be named in a logical fashion to allow identification of the CAD feature classes.
- The drawing features should be constructed in appropriate layer classes, particularly for isolation of key data layers for updates to GIS.
- Drawing elements should be ‘clean’. Meaning there should be no overshoots, undershoots or a general lack of snapping to endpoints, curves should be tangent, etc. In the end this helps everyone, including the developer.
- Significant proposed polygon impervious features (i.e. building footprints, parking areas, driveways) are requested to be as 2d polylines (prefer looped for closure). This greatly reduces cleanup and preparation for GIS entry.

Architect
 Payette Associates Inc.
 290 Congress Street, Fifth Floor
 Boston, MA 02210-1005
 Tel: 617-895-1000
 Fax: 617-895-1002

Code Consultant
 Howe Engineers, Inc.
 101 Longwater Circle,
 Suite 203
 Norwell, MA 02061
 Tel: 781 878 3500

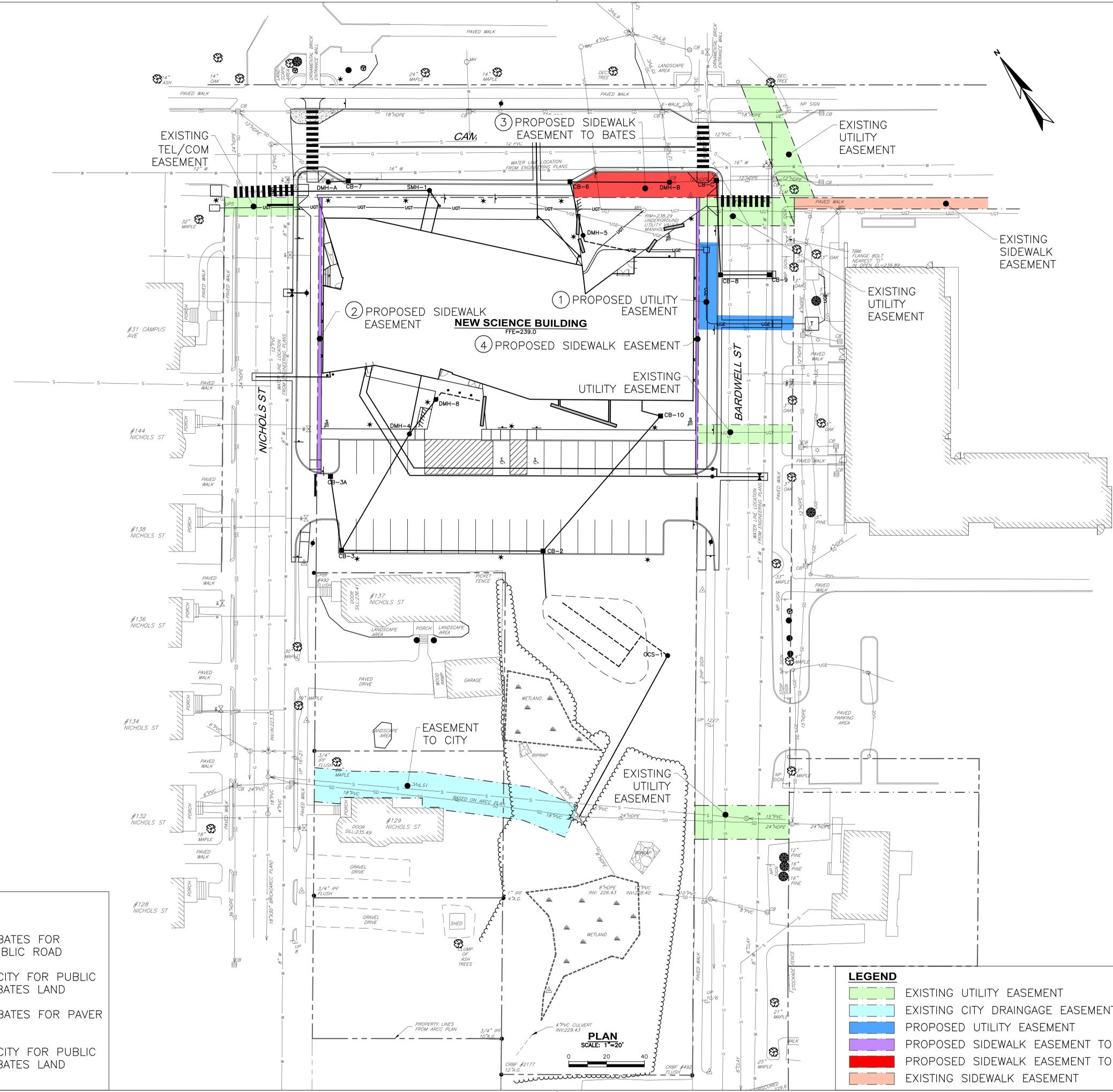
Civil Engineer
 Wright-Pierce
 Engineering
 11 Bowdoin Mill Island
 Suite 140
 Topsham, ME 04086
 Tel: 207 725 8721

MEP / FPJ / COM / SEC / Engineer
 BR+A
 10 Guest Street
 4th Floor
 Boston, MA 02135
 Tel: 617-254-0016

Structural Engineer
 Simpson Gumpertz & Heger
 41 Seyon Street
 Building 1, Suite 500
 Waltham MA 02453
 Tel: 781-907-9000

Landscape Architect
 Payette Associates Inc.
 290 Congress Street,
 Fifth Floor
 Boston, MA
 02210-1005
 Tel: 617-895-1000

Exterior Envelope
 Wiss, Janney, Elstner
 Associates, Inc.
 311 Summer Street,
 Suite 300
 Boston MA, 02210
 Tel: 781-907-9000



- EASEMENT KEY**
- ① EASEMENT TO BATES FOR UTILITIES IN PUBLIC ROAD
 - ② EASEMENT TO CITY FOR PUBLIC SIDEWALK ON BATES LAND
 - ③ EASEMENT TO BATES FOR PAVER SIDEWALK
 - ④ EASEMENT TO CITY FOR PUBLIC SIDEWALK ON BATES LAND

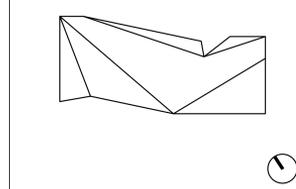
LEGEND

	EXISTING UTILITY EASEMENT
	EXISTING CITY DRAINAGE EASEMENT
	PROPOSED UTILITY EASEMENT
	PROPOSED SIDEWALK EASEMENT TO BATES
	EXISTING SIDEWALK EASEMENT

PLAN
 SCALE: 1"=20'

NOT FOR CONSTRUCTION

#	DATE	DESCRIPTION
2	06/15/18	50% DESIGN DEVELOPMENT
1	03/16/18	SCHEMATIC DESIGN



EASEMENT PLAN

Drawing Scale	1"=20'
Project Number	14021A
Date Issued	11/13/2018

C10.0

**PRELIMINARY
FOR REVIEW ONLY**

- LEGEND**
- EXISTING STREET PARKING (22'-0")
 - NEW STREET PARKING (22'-0")
 - EXISTING ON-SITE PARKING
 - NEW ON-SITE PARKING

EXISTING OFF STREET PARKING= 18 SPACES
 EXISTING ON STREET PARKING= 20 SPACES
 PROPOSED OFF STREET PARKING= 33 SPACES
 PROPOSED ON STREET PARKING= 14 SPACES
 COMBINED EXISTING PARKING= 38 SPACES
 COMBINED PROPOSED PARKING= 47 SPACES
 INCREASE OF 9 SPACES

PAYETTE

Architect
 Payette Associates Inc.
 290 Congress Street, Fifth Floor
 Boston, MA 02210-1005
 Tel: 617-895-1000
 Fax: 617-895-1002

Code Consultant
 Howe Engineers, Inc
 101 Longwater Circle,
 Suite 203
 Norwell, MA 02061
 Tel: 781 878 3500

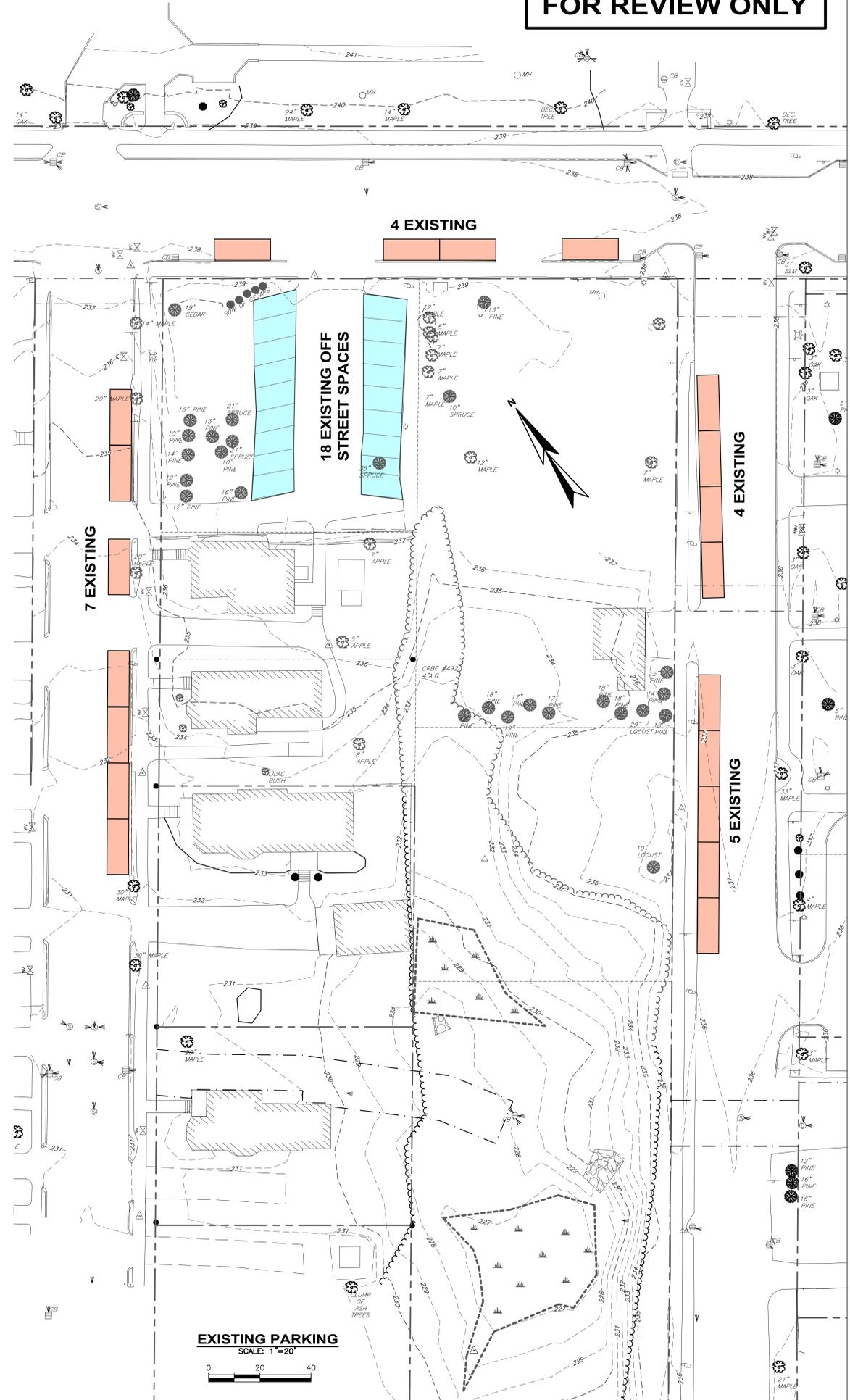
Civil Engineer
 Wright-Pierce
 Engineering
 11 Bowdoin Mill Island
 Suite 140
 Topsham, ME 04086
 Tel: 207 725 8721

MEP / FPJ / COM / SEC / Engineer
 BR+A
 10 Guest Street
 4th Floor
 Boston, MA 02135
 Tel: 617-254-0016

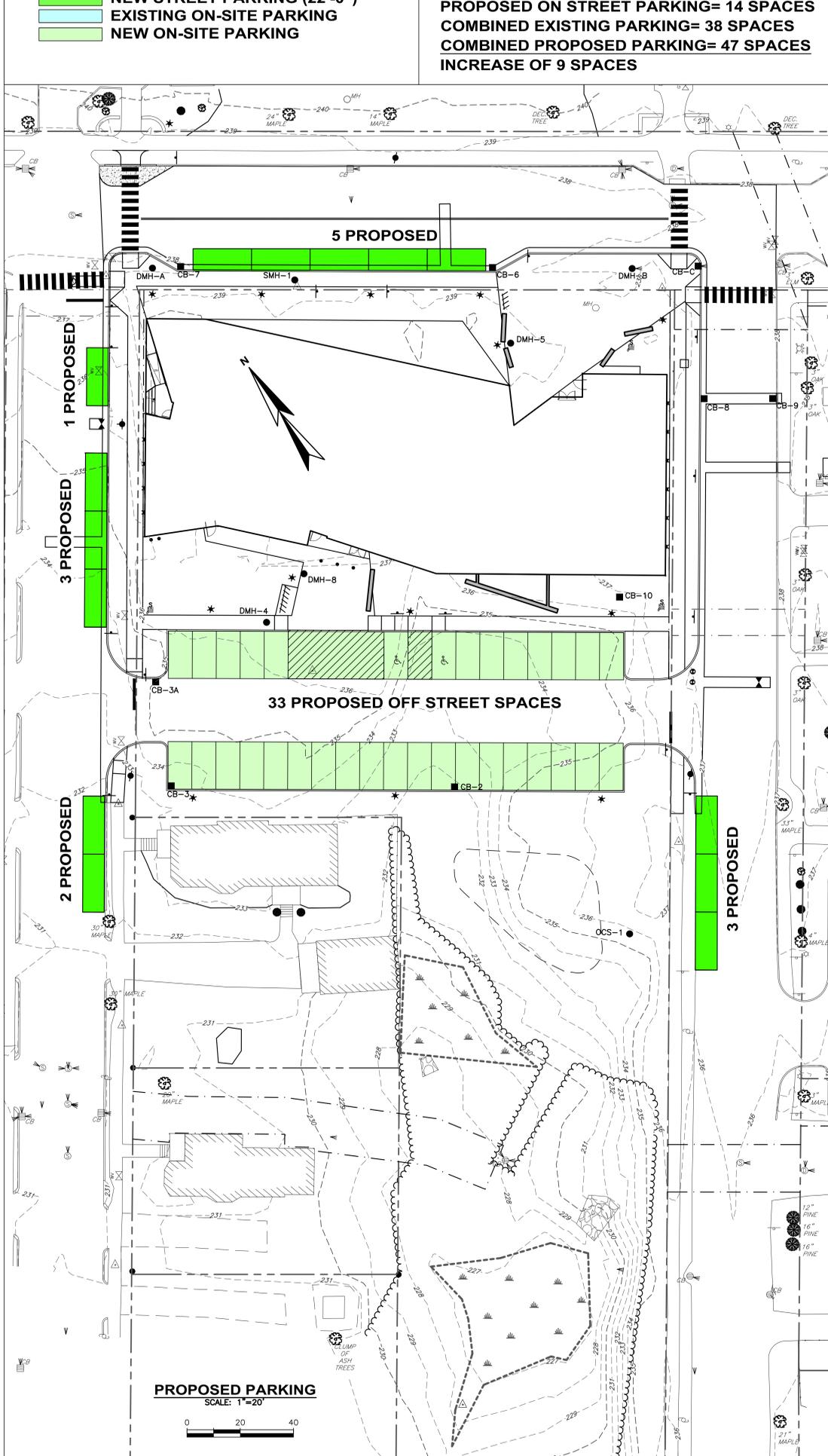
Structural Engineer
 Simpson Gumpertz & Heger
 41 Seyon Street
 Building 1, Suite 500
 Waltham MA 02453
 Tel: 617-907-9000

Landscape Architect
 Payette Associates Inc.
 290 Congress Street,
 Fifth Floor
 Boston, MA
 02210-1005
 Tel: 617-895-1000

Exterior Envelope
 Wiss, Janney, Elstner
 Associates, Inc.
 311 Summer Street,
 Suite 300
 Boston MA, 02210
 Tel: 781-907-9000



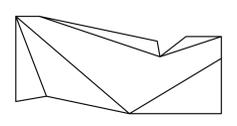
EXISTING PARKING
 SCALE: 1"=20'



PROPOSED PARKING
 SCALE: 1"=20'

#	DATE	DESCRIPTION
2	06/15/18	50% DESIGN DEVELOPMENT
1	03/16/18	SCHEMATIC DESIGN

NOT FOR CONSTRUCTION



Bates College STEM Projects

**PARKING ANALYSIS OF
DEVELOPMENT AREA**

Drawing Scale
1"=20'

Project Number
14021A

Date Issued
11/13/2018

C10.1

Architect

Payette Associates Inc.
290 Congress Street, Fifth Floor
Boston, MA 02210-1005
Tel: 617-895-1000
Fax: 617-895-1002

Code Consultant

Howe Engineers, Inc.
101 Longwater Circle,
Suite 203
Norwell, MA 02061
Tel: 781 878 3500

Civil Engineer

Wright-Pierce
Engineering
11 Bowdoin Mill Island
Suite 140
Topsham, ME 04086
Tel: 207 725 8721

MEP / FP / COM / SEC / Engineer

Simpson Gumpertz & Heger
10 Guest Street
4th Floor
Boston, MA 02135
Tel: 617-254-0016

Structural Engineer

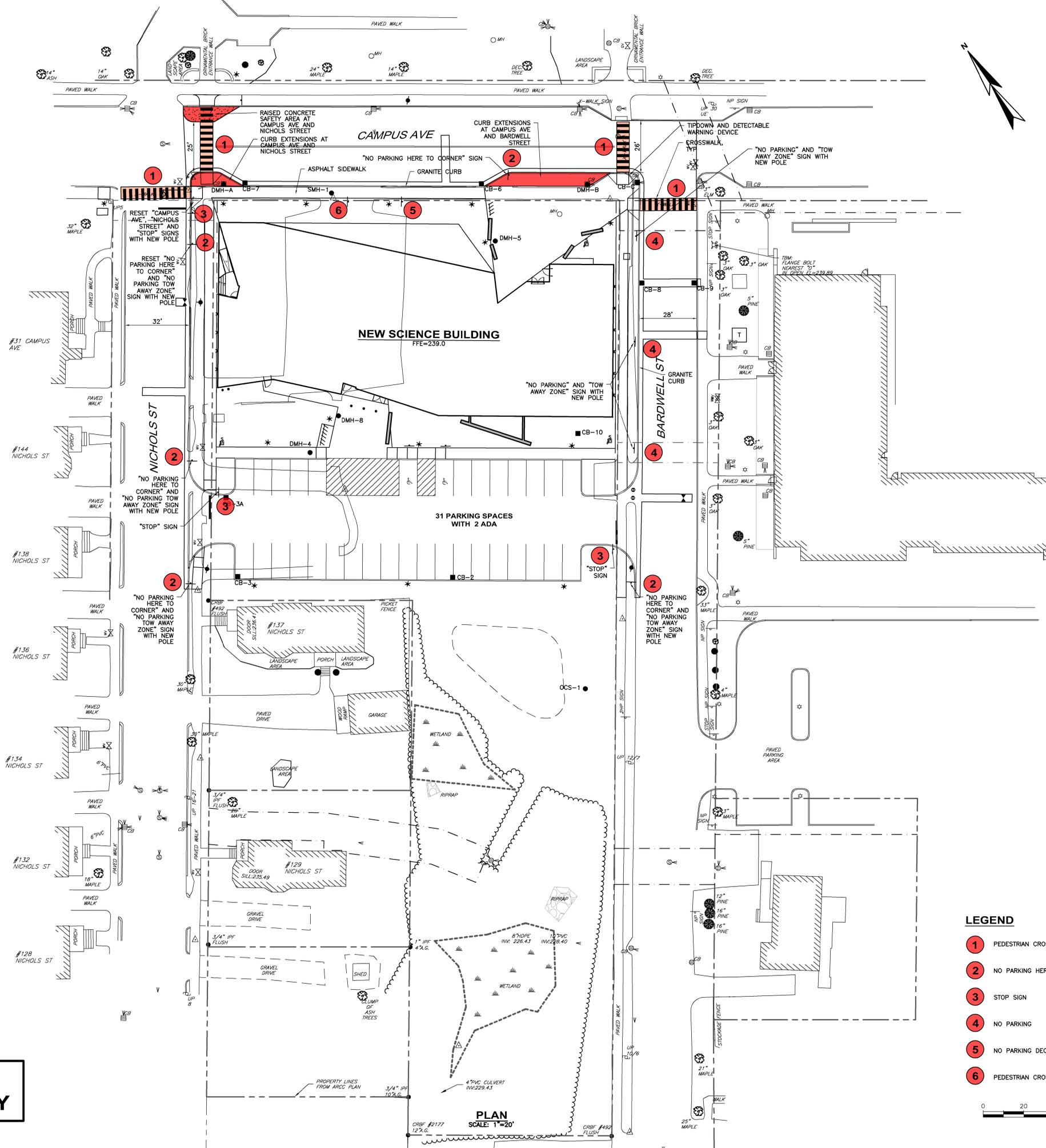
Simpson Gumpertz & Heger
41 Seyon Street
Building 1, Suite 500
Waltham MA 02453
Tel: 781-907-9000

Landscape Architect

Payette Associates Inc.
290 Congress Street,
Fifth Floor
Boston, MA
02210-1005
Tel: 617-895-1000

Exterior Envelope

Wiss, Janney, Elstner
Associates, Inc.
311 Summer Street,
Suite 300
Boston MA, 02210
Tel: 781-907-9000



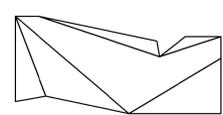
**PRELIMINARY
FOR REVIEW ONLY**

- LEGEND**
- 1 PEDESTRIAN CROSSING
 - 2 NO PARKING HERE TO CORNER SIGN
 - 3 STOP SIGN
 - 4 NO PARKING
 - 5 NO PARKING DECEMBER TO APRIL
 - 6 PEDESTRIAN CROSSING



NOT FOR CONSTRUCTION

#	DATE	DESCRIPTION
2	06/15/18	50% DESIGN DEVELOPMENT
1	03/18/18	SCHEMATIC DESIGN



Bates College STEM Projects

**ROW MODIFICATIONS
PLAN**

Drawing Scale

1"=20'

Project Number

14021A

Date Issued

11/13/2018

C10.2

PLAN
SCALE: 1"=20'

SIDEWALK EASEMENT

CITY OF LEWISTON, a municipal corporation located in Androscoggin County, Maine (the "Grantor"), hereby grants to the PRESIDENT AND TRUSTEES OF BATES COLLEGE, a Maine nonprofit corporation with a principal office in Lewiston, Androscoggin County, Maine, with a mailing address of 2 Andrews Road, Lewiston, Maine, 04240, its successors and assigns (the "Grantee"), the perpetual right and easement to enter upon, for maintenance purposes, that portion of the Grantor's real estate located at Campus Avenue, Lewiston, Androscoggin County, Maine, within the "Easement Area," the Easement Area being more particularly described in Schedule A attached hereto and made a part hereof.

Grantor and Grantee agree that the Grantee shall have no responsibility to construct, maintain, repair or replace the public pedestrian sidewalk, the obligation for which shall be the responsibility of the Grantor, its successors and assigns.

IN WITNESS whereof, the said City of Lewiston has caused this instrument to be signed and sealed this ___ day of _____, 2018.

CITY OF LEWISTON

Witness

By: _____
Its: _____

Type or print name and capacity

STATE OF MAINE
COUNTY OF ANDROSCOGGIN, SS.

Personally appeared before me this ___ day of _____, 2018, the above-named _____, _____ of the City of Lewiston, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity.

Notary Public/Maine Attorney-at-Law

Type or Print Name
My commission expires: _____

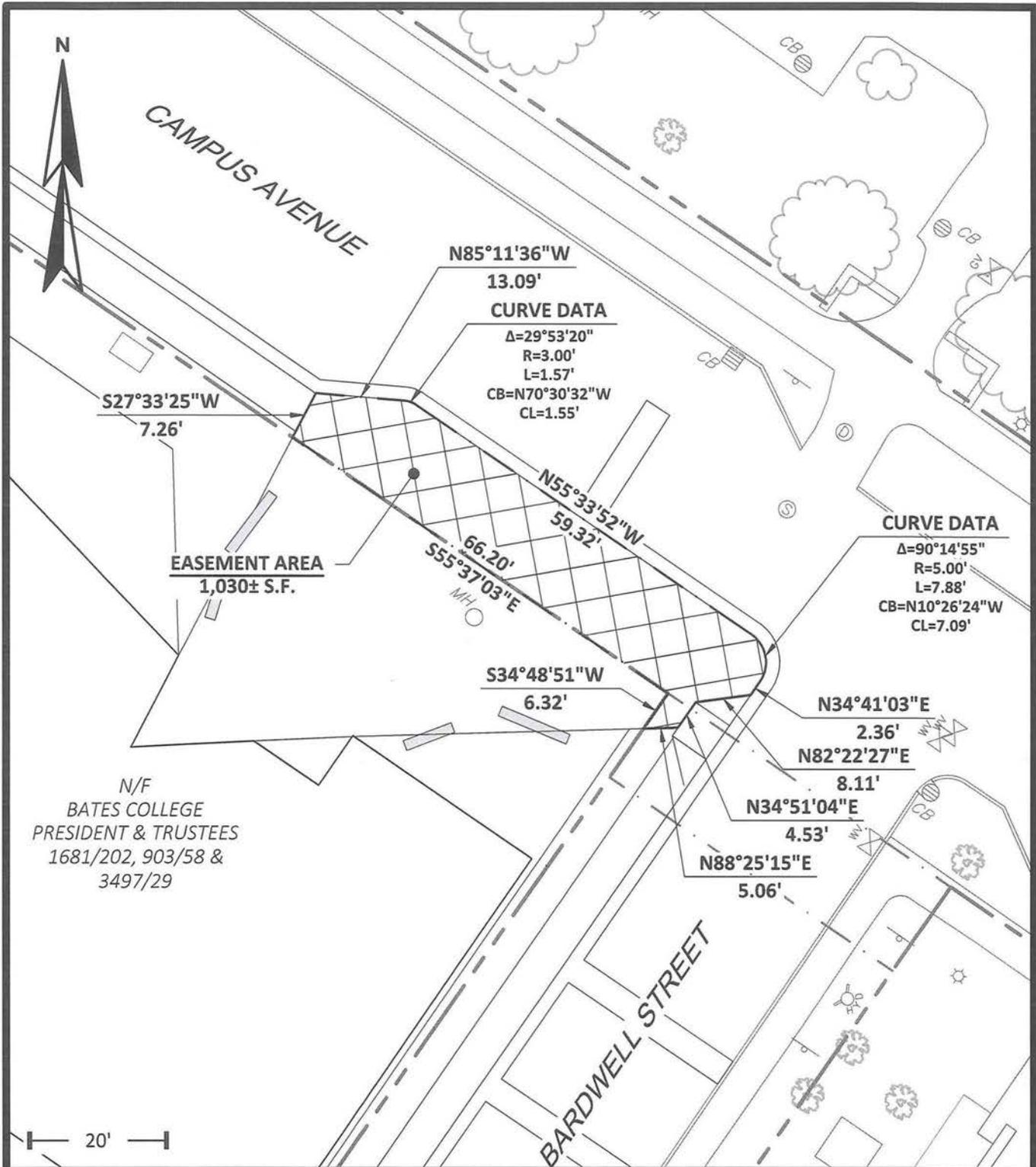
SCHEDULE A
Easement Area

Beginning at a point at the intersection of the southwesterly line of Campus Avenue, so called, with the northwesterly line of Bardwell Street, so called, thence;

1. South 34° 48' 51" West along the northwesterly line of said Bardwell Street a distance of 6.32 feet to a point on the northwesterly line of said Bardwell Street, thence;
2. North 88° 25' 15" East a distance of 5.06 feet to a point on the northwesterly edge of sidewalk, thence;
3. North 34° 51' 04" East along the northwesterly edge sidewalk a distance of 4.53 feet to a point, thence;
4. North 82° 22' 27" East along the northerly edge of sidewalk a distance of 8.11 feet to a point at the edge of curb, thence;
5. North 34° 41' 03" East along the edge of curb a distance of 2.36 feet to a point, thence;
6. Northerly and westerly, along the edge of curb, by a tangent 5.00 foot radius curve to the left, an arc length of 7.88 feet to a point. Said curve having a chord bearing of North 10° 26' 24" West and chord length of 7.09 feet, thence;
7. North 55° 33' 52" West along the edge of curb a distance of 59.32 feet to a point, thence;
8. Northerly and westerly, along the edge of curb, by a tangent 3.00 foot radius curve to the left, an arc length of 1.57 feet to a point. Said curve having a chord bearing of North 70° 30' 32" West and chord length of 1.55 feet, thence;
9. North 85° 11' 36" West along the edge of curb a distance of 13.09 feet to a point, thence;
10. South 27° 33' 25" West a distance of 7.26 feet to a point on the southwesterly line of said Campus Avenue, thence;
11. South 55° 37' 03" East along the southwesterly line of said Campus Avenue a distance of 66.20 feet to the point of beginning.

Said Easement Area is approximately 1,030 square feet.

Bearings are Grid North.



**CITY OF LEWISTON
BATES COLLEGE
STEM PROJECTS
LEWISTON, MAINE**

PROJ NO: 14115 DATE: AUGUST 2018

NO.	REVISIONS	DRAWN BY	APP'D
1			
2			
3			



EASEMENT EXHIBIT
CITY OF LEWISTON TO PRESIDENT & TRUSTEES OF BATES COLLEGE

FIGURE:
1

SIDEWALK EASEMENT

PRESIDENT AND TRUSTEES OF BATES COLLEGE, a Maine nonprofit corporation with a principal office located in Lewiston, Androscoggin County, Maine ("Grantor"), hereby grants to the **CITY OF LEWISTON**, a municipal corporation located in Androscoggin County, Maine, with a mailing address of 27 Pine Street, Lewiston, Maine 04240, its successors and assigns ("Grantee"), the perpetual right and easement to enter upon, construct, maintain and repair, for use as a public pedestrian sidewalk, that portion of the Grantor's real estate located at Bardwell Street, Lewiston, Androscoggin County, Maine, within the "Easement Area," the Easement Area being more particularly described in Schedule A attached hereto and made a part hereof.

Grantor and Grantee agree that the Grantor shall have no responsibility to construct, maintain, repair or replace the public pedestrian sidewalk, the obligation for which shall be the responsibility of the Grantee.

IN WITNESS whereof, the said President and Trustees of Bates College has caused this instrument to be signed and sealed this ___ day of _____, 2018.

PRESIDENT AND TRUSTEES OF BATES COLLEGE

By: _____
Its: _____

Type or print name and capacity

Witness

STATE OF MAINE
COUNTY OF ANDROSCOGGIN, SS.

Personally appeared before me this ___ day of _____, 2018, the above-named _____, _____ of the President and Trustees of Bates College, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity.

Notary Public/Maine Attorney-at-Law

Type or Print Name
My commission expires: _____

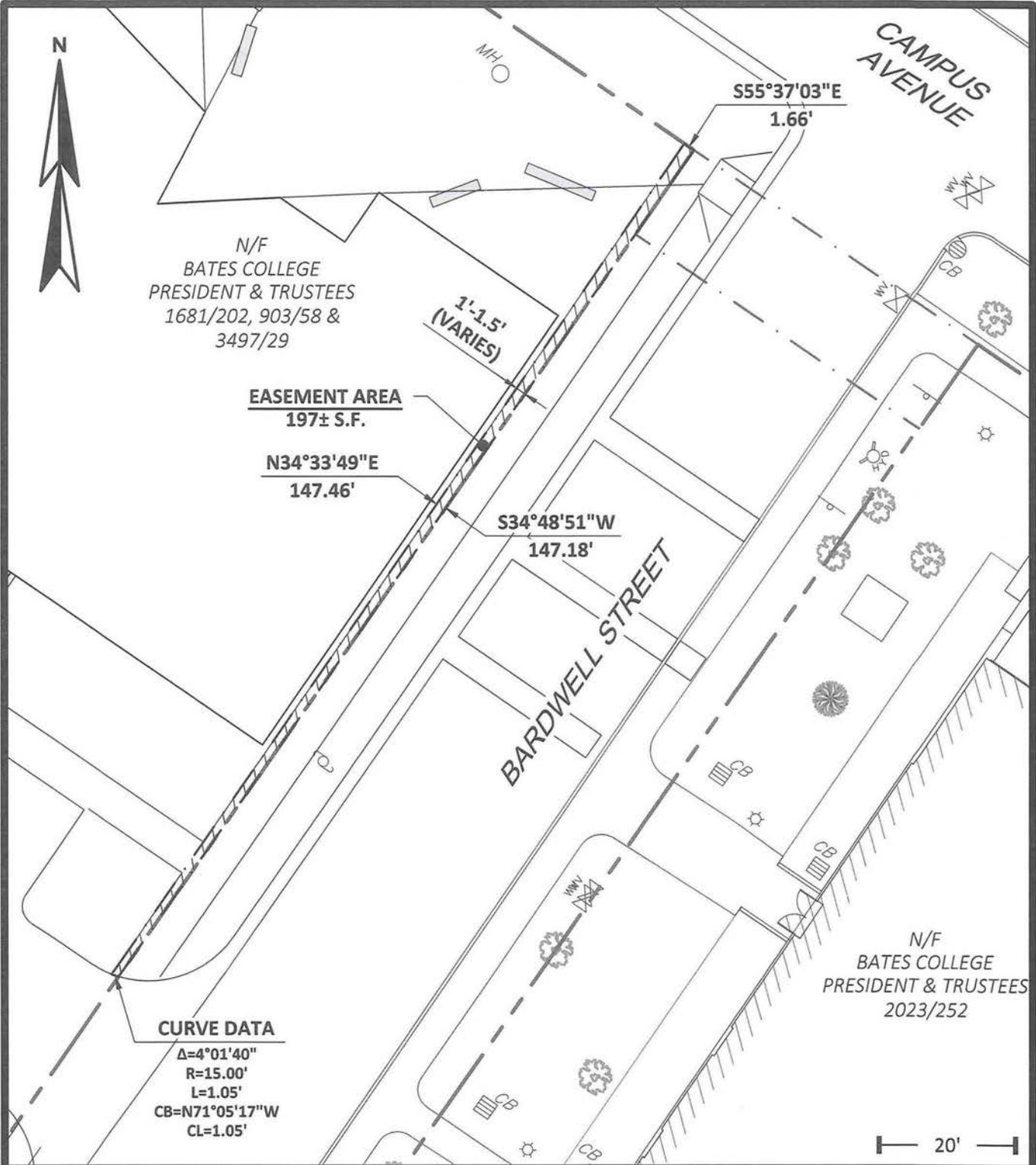
SCHEDULE A
Easement Area

Beginning at a point at the intersection of the southwesterly line of Campus Avenue, so called, with the northwesterly line of Bardwell Street, so called, thence;

1. South $34^{\circ} 48' 51''$ West along the northwesterly line of said Bardwell Street a distance of 147.18 feet to a point at the intersection of the northwesterly line of said Bardwell Street with the northeasterly edge of paved access drive, thence;
2. Westerly and northerly, along the northeasterly edge of said paved access drive, by a non-tangent 15.00 foot radius curve to the right, an arc length of 1.05 feet to the intersection of the northeasterly edge of said paved access drive and the northwesterly line of paved sidewalk. Said curve having a chord bearing of North $71^{\circ} 05' 17''$ West and chord length of 1.05 feet, thence;
3. North $34^{\circ} 33' 49''$ East along the northwesterly line of said paved sidewalk a distance of 147.46 feet to a point in the southwesterly line of said Campus Avenue, thence;
4. South $55^{\circ} 37' 03''$ East along the southwesterly line of said Campus Avenue a distance of 1.66 feet to the point of beginning.

Said Easement Area is approximately 197 square feet in size and varies from approximately 1 foot to 1.5 feet wide.

Bearings are Grid North.



**CITY OF LEWISTON
BATES COLLEGE
STEM PROJECTS
LEWISTON, MAINE**

PROJ NO: 14115 DATE: AUGUST 2018

NO.	REVISIONS	DRAWN BY	APP'D
1			
2			
3			

WRIGHT-PIERCE 
Engineering a Better Environment

EASEMENT EXHIBIT

PRESIDENT & TRUSTEES OF BATES COLLEGE TO CITY OF LEWISTON

FIGURE:
1