

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
MAY 21, 2019**

6:00 p.m. Workshop – Presentation and Review of Rental Registration Report

6:30 p.m. Executive Session – To discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag

Mayoral Proclamation recognizing Arbor Week
Recognition of Trash Amnesty/Healthy Neighborhoods Event
Lewiston Firefighters Association Scholarship Presentation
Lewiston Youth Advisory Council Update

Acceptance of the minutes of the May 7, 2019 meeting.

Public Comment period – Any member of the public may make comments regarding issues pertaining to Lewiston City Government (3 minutes per speaker; maximum time for all comments is 15 minutes)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 3.

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

- *1. Appointment to the Lewiston Area Public Health Committee.
- *2. Order Authorizing Execution of a Municipal Quitclaim Deed for Real Estate located at 11 Goffe Street.

REGULAR BUSINESS:

- 3. Public Hearing for approval of Outdoor Entertainment Permit for an outdoor theater performance to be held at Kennedy Park.
- 4. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Bear Bones, Inc., 43 Lisbon Street.
- 5. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Sonder & Dram, Inc., 12 Ash Street.
- 6. Public Hearing & First Passage for Land Use Code Amendments regarding the creation of the Lisbon Street Commercial Historic District.
- 7. Public Hearing and Adoption of the FY2020 Lewiston Capital Improvement Program Bond Issue Order.
- 8. Resolve, Renewing and Extending the Mutual Cooperation Agreement between the City of Lewiston and the City of Auburn to Form a Consortium under the federal HOME Investment Partnership Program.
- 9. Resolve, Establishing the Honorary Position of Youth Poet Laureate for the City of Lewiston.
- 10. Reports and Updates
- 11. Any other City Business Councilors or others may have relating to Lewiston City Government.

12. Executive Session pursuant to MRSA Title 1, section 405 (6)(c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
13. Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, MAY 21, 2019
6:00 PM

1. Report of the Ad-Hoc Rental Registration Committee

The Rental Registration Committee submitted its final report to the City Council in April. Since the Council was engaged in the budget process at that time, a workshop to present and review the report was deferred to after the budget process. A copy of the report is attached. The members of the Committee have been informed of this workshop and invited to attend. While staff will be presenting the report, I anticipate that one or more committee members might wish to comment on it.

2. Executive Session – Land Acquisition

IMMEDIATELY FOLLOWING THE REGULAR MEETING

1. Executive Session – Economic Development

2. Executive Session – Labor Negotiations – Fire Association

FINAL REPORT
AD-HOC COMMITTEE ON
RENTAL REGISTRATION
MARCH 2019

MEMBERS OF THE RENTAL REGISTRATION COMMITTEE

David Hediger, Chair, Director of Planning and Code
Jim Lysen, City Councilor Ward 1
Michael Marcotte, City Councilor Ward 7
Tom Maynard, City Building/Plumbing Inspector
Paul Ouellette, City Fire Inspector
Charles Weaver, City Police Officer
Rick Lachapelle, Property Owner
Amy Smith, Property Owner
Chris Aceto, Property Owner
Erin Guay, Vice-Chair, Lewiston Area Public Health Committee
Ronnie Paradis, Chair, Lewiston Area Public Health Committee

Introduction

In May 2018, the Lewiston Area Public Health Committee, in conjunction with staff of the City Planning and Code Enforcement Department, developed a draft rental registration ordinance. This work was undertaken in light of a goal set in the City's comprehensive plan to establish a rental registration program as a mechanism to expand property maintenance and life safety inspection services associated with multifamily dwelling units and to provide information on an annual basis such as emergency contact information for owners and managers.

The registration process proposed would have required information on the total number of dwelling units rented/vacant at time of registration; number of units not immediately available for rental; bedroom counts; rental rates; etc. It proposed an annual fee of \$36 per unit, resulting in \$256,284 in revenue which would be used to create a housing manager inspector position (\$80,000); a new Code Enforcement position (\$74,000); upgrade a part-time administrative assistant position to full-time (\$30,500); and transfer the funding for a current Code Enforcement position from Community Development Block Grant Funds to the General Fund (\$68,274). The net effect would be to increase code enforcement staffing by 2.5 positions.

This proposal was presented to the City Council during a workshop on May 15, 2018. A number of stakeholders appeared at that meeting, including owners of multi-family buildings in Lewiston, to express their opinions on the proposal. While there were some who spoke in favor, a majority of those present expressed opposition.

Given this, the City Council established an Ad-Hoc Advisory Committee on Rental Registration on June 19, 2018 and charged the Committee to investigate whether the City should or should not adopt a rental registration program and to report its findings and recommendations to the City Council. (See Attachment 1 for the full Council Resolve establishing the Committee.) The Committee was composed of eleven members including multi-family property owners, City Councilors, City staff, and representatives of Healthy Androscoggin and the Lewiston Auburn Public Health Committee.

The Committee's initial term ran through December 31, 2018, at which time the Committee submitted an interim report and requested a two month extension to allow it to provide greater detail for its recommendations. This extension was approved by the Council as was a second extension to March 31, 2019.

During these extensions, the Committee worked through three subcommittees focusing on different areas of recommendations. One group worked on a modified rental registration recommendation; a second on issues involving Code Enforcement and Fire Prevention; and the third involving Police, public safety, and disorderly properties. Each of these groups subsequently prepared a report and recommendations covering its substantive areas.

On March 13, 2019 the Committee voted unanimously to send a favorable recommendation to the City Council to adopt the committees report. This final report updates and revises the interim report presented in November and culminates nine months and 12 meetings worth of

discussion and thought by committee members to complete its consideration of some form of rental registration.

Recommendation on May 15, 2018 Rental Registration Proposal

At the Committee's September 26th meeting, the following motion was adopted: "To not support the rental registration proposal presented to the City Council in May in the form in which it was presented." The Committee's vote was seven in favor, one abstention (David Hediger). The Committee reached this conclusion based on several concerns including the financial burden that would be placed on landlords, many of whom already face challenges associated with Lewiston's relatively low rents and the age of their properties. Many of the members also indicated that the cost of additional or ramped up code enforcement should not be borne solely by property owners but should be supported through the overall property tax. Other concerns included the already existing burden of governmental regulation, the extent to which this proposal expanded on the initial concept of rental registration where adequate contact information for building owners/managers was the primary goal, and the potential for meeting the City's housing goals through other, less costly mechanisms.

While not supporting the registration system proposed in May 2018, the Committee recognizes and appreciates the need for the City to have on hand accurate contact information in order to easily reach owners and managers of properties in emergency situations or to handle simple issues. As a result, an alternative no-charge registration system is recommended for multi-unit property owners and property managers. That program is presented in the attached report of the Rental Registration Subcommittee.

Rental Registration Committee Goals and Recommendations

While the Rental Registration Committee recommends against adopting the system and fees proposed by Code Enforcement in May 2018, it recognizes that many of the driving forces behind that proposal are valid and that the issues raised by the extent and nature of rental property in Lewiston require that the City, landlords, and tenants work together toward improving the overall rental housing conditions in Lewiston.

Toward this end, the Committee agreed on five major goals:

1. Protect the health and safety of our residents by ensuring the health and safety of our rental properties;
2. Attract and support property owners who are committed to providing healthy and safe housing;
3. Educate and provide resources for the general public so they can assess the health and safety of rental properties and units;
4. Educate and provide resources for owners and renters so they can succeed; hold both accountable for the health and safety of the property;
5. Address inappropriate and illegal activity in and around multi-family properties.

Recommendations on each of these goals are outlined below.

GOAL 1: PROTECT THE HEALTH AND SAFETY OF RESIDENTS BY ENSURING THE HEALTH AND SAFETY OF OUR RENTAL PROPERTIES.

A. Clarify the roles and responsibilities of Fire Prevention and Code Enforcement

The sheer number and age of rental properties in Lewiston and the number of demands placed on Code Enforcement and Fire Prevention require that the two departments have clearly defined functions and priorities. The City faces two competing priorities in its inspection programs. Proactively, there is interest in establishing a routine program that ensures the City is in all rental properties within an acceptable period of time. At the same time, staff must respond quickly to complaints. Further, significant staff time is spent on working toward compliance from a relatively small number of uncooperative owners and dealing with abandoned and hazardous structures. Given these demands, the role, mission, and responsibility of Fire and Code must be clearly defined and understood. The committee recommends the following:

1. The Fire Department, through its engine company inspection program and Fire Prevention Office, should be the primary agency responsible for proactive, scheduled inspections. These inspections should focus on three primary elements designed to protect lives: tenant notification systems (smoke and carbon monoxide detectors), building elements designed to prevent or slow the spread of fire, and the presence of adequate and useable means of egress. In addition, other clear threats to occupant safety and health should be identified.
2. Code Enforcement should be the primary agency responsible for responding to complaints. When responding to complaints, the Code inspector should also review the structure for other potential issues. In addition, it should undertake targeted inspection efforts focused on buildings or areas that present the greatest risk due to such factors as size, density, age, and number of police calls; continue its focus on dangerous structures; and handle the more complex enforcement efforts required when a building owner is not cooperative.

Under this approach, Fire Prevention becomes the City's "first line of defense" against life and safety threats while Code Enforcement handles routine complaints and deals with more protracted and time consuming enforcement efforts.

B. Provide City Staff with Improved Technology

In order for staff to become more efficient, they need to be provided with improved technology. Currently, data cannot be entered in the field but must be manually recorded and later transcribed into the City's automated systems. This increases the time that staff must spend in documenting its inspections and issuing notices of violation. Staff should be provided with the ability to enter this data while in the field.

C. Adopt a Goal to Inspect all Three-Unit and Larger Properties Within a Three-to-Five Year Period

Given certain issues associated with the record keeping systems currently used by the Fire Department, the exact frequency of multi-unit building inspections is unclear. Given this, the Committee provides the following additional recommendations:

1. The Fire Department must improve and automate its record system so that adequate information on inspection frequency and the results of inspections can be accessed. In addition, the software used by Fire and Code must be capable of integration so that each department is aware of the work of the other and to avoid duplication of effort.
2. Communication and coordination must be improved between Fire and Code. If Code has inspected and cleared a property within the desired inspection cycle, fire should defer its inspection to ensure other structures can be addressed, while recognizing that Code and Fire will respond to complaints from recently cleared properties. Consideration should be given to cross training fire and code personnel.
3. The frequency with which Fire inspects a property should be tied to some form of risk analysis. For example, larger and older non-sprinkled buildings should be inspected with a greater frequency than those with fewer units.
4. When Fire identifies a building with significant problems, it should be referred to Code for follow-up to avoid tying up significant engine inspection time on a problem building.
5. Once adequate data is available to determine the actual inspection cycle, and should additional staff be required to meet the inspection goal, the additional staff should be provided in Fire Prevention. An additional position(s) would be tasked with conducting additional inspections, particularly during the winter months when engine companies are unable to do this work due to concerns over fire equipment freeze up.

Additionally, and in order to supplement the inspections performed by the City, the City should investigate the potential for accepting third party building inspection information from such sources as insurance companies and other governmental entities as meeting the periodic inspection requirement. Such information could be voluntarily provided by building owners and entered into the City's automated code enforcement system (i.e. Energov). Before accepting such information in-lieu of city inspections, Code should verify that the inspection standards meet the City's minimum requirements and that such inspections are conducted on an annual basis.

D. Establish a General Assistance Housing Inspection and Tenant Education Program

When the City pays for housing for its General Assistance clients, it has an obligation to ensure that this housing is safe. General Assistance and Code Enforcement should work together to establish a program that ensures such outcomes by requiring that such city supported units be inspected. The City Administrator has proposed that such a program be started on a test basis. That

program should be monitored and its results reported back to the Council to determine whether it can and should become a permanent program given existing resources. In concert with this program, incentives should be provided to tenants who receive city vouchers to attend education sessions covering responsible tenant issues as well as lead safety education.

E. Continue Dangerous Building Enforcement and Demolition Program

Code Enforcement has aggressively implemented a dangerous building program in recent years that has eliminated some of the most dangerous multi-family buildings from the City's inventory. While the number of abandoned and dangerous buildings has declined as the economy improved, this program should be continued as necessary. At the same time, the City should seek out every possible way to save and renovate dangerous and abandoned buildings whenever possible.

F. Implement a Lead Safe On-Line Registry

Lead is and will remain a major health issue in Lewiston. The City is now involved in its third significant lead remediation grant and, as a result, has access to information on units this program has funded to lead free or lead safe standards. Properties built after 1987 would also qualify as lead free, and the City has data on the date of building construction. Given this, the City or one of its partners such as Healthy Androscoggin are in a good position to initiate an on-line registry for lead safe/lead free properties. This registry could be open to other property owners who can provide certification that their property qualifies. The date on which the property was determined to be lead safe or lead free should also be recorded and available. This would provide a source of information to those seeking housing, particularly those with children, and for the City's general assistance clients.

GOAL 2: ATTRACT AND SUPPORT PROPERTY OWNERS WHO ARE COMMITTED TO PROVIDING HEALTHY AND SAFE HOUSING

The initial recommendations in this section of the interim report have been replaced by the recommendations from the Rental Registration Subcommittee that is separately attached.

GOAL 3: EDUCATE AND PROVIDE RESOURCES FOR THE GENERAL PUBLIC SO THEY CAN ASSESS THE HEALTH AND SAFETY OF RENTAL PROPERTIES AND UNITS.

The Committee supports making information about the known condition of multi-family properties available to the public as a resource that can be used when considering where to rent or lease. In addition, more complete information about multi-family properties would be useful to the City for a variety of analytical and

operational purposes. Toward these ends, the Committee recommends the following:

- A. Upgrade the City's current Code Enforcement system (Energov) by, first, enhancing the ability to view all data about a specific property through inquiry by address and, second, implementing the Public Portal element of this software that will provide web based access to Code data by the public.
- B. Assessing should begin to gather additional information about multi-family properties to include the number of units by bedroom size and other useful information.
- C. Adopt a data collection system geared directly toward gathering information useful to the City and the public such as owner and emergency contact information¹.

GOAL 4: EDUCATE AND PROVIDE RESOURCES FOR OWNERS AND RENTERS SO THEY CAN SUCCEED; HOLD BOTH ACCOUNTABLE FOR THE HEALTH AND SAFETY OF THE PROPERTY

Managing rental properties in Lewiston can be a challenge given their age, condition, and the economics of the rental market. Owners/managers are faced with a wide variety of challenges, including complying with the various codes and requirements associated with operating multi-family properties. The City should look for ways to provide both owners and renters with the information they need to succeed and to ensure the health and safety of these properties. Therefore, the Committee Recommends:

- A. Providing building owners with a simplified code/fire prevention checklist to allow them to self-inspect for compliance, perhaps accompanied by or as a part of a code/fire compliance booklet providing information on areas of frequent violation.
- B. On a trial basis to determine level of interest, the City should offer a training class for landlords/property managers covering city code requirements and how to meet them.
- C. Provide an incentive for general assistance clients to attend a tenant training class to cover their responsibilities as tenants and what they can/should do to maintain their units in a safe and healthy condition.
- D. Involve Healthy Androscoggin in outreach efforts to the portion of the population at risk from the presence of lead in housing.
- E. Pursue higher General Assistance rental payments to assure landlords of adequate rental income to assure the health and safety of the property.

GOAL 5: ADDRESS INAPPROPRIATE AND ILLEGAL ACTIVITY IN AND AROUND MULTI-FAMILY PROPERTIES.

Excessive inappropriate and illegal activity in a neighborhood is detrimental to the residents of the area and those who own buildings there. Such behaviors make it

¹ The vote of the Committee on Goal 3 Recommendation 3 was 8-1, member Aceto opposing.

difficult to recruit or retain good tenants, driving down rental rates and occupancy levels. This leads to a potential downward cycle of declining building income, the inability to maintain properties, and higher vacancy rates. It is in the interest of both building owners and tenants that their properties are in a safe and quiet neighborhood. While the Police Department currently has a standard operating procedure under which the owners of certain properties are contacted and asked to work with the police to address resident problems, the current guidelines may not be sufficient to effectively address issues of safety and quiet enjoyment. As a result, the Committee recommends:

- A. Strengthening the current Disorderly Property Standard Operating Procedure. Under the current policy, Police must receive five calls for service to any residential unit, disorderly in nature, in order to be considered a disorderly property. As a result, a building with a large number of calls may not receive an intervention because the calls either cannot be tracked to one particular unit in the building or they are spread out between many units. The recommendation is to adjust this number, on a trial basis, to five calls for service during a month to any residential property, regardless of the number of units in the building. Setting the limit at five calls is intended to simplify the process of identifying problem properties and recognizing that the number of calls can be an indicator of problems/issues that the landlord should be made aware of. The Police Department can then exercise some discretion on the extent of landlord response that will be expected. Five calls for service for a three unit structure might require a greater landlord response than five calls for service from a ten unit structure where the calls come from five different units. In addition, on a quarterly or semi-annual basis, the Police Department should identify those buildings that have had an excessive number of calls for service during the period and provide that information to Planning and Code Enforcement where it can be correlated with Code's information as a step toward identifying buildings that are problematic and which should be inspected to determine if behavioral problems have impacted life safety and building maintenance code issues.
- B. The Police Department should continue and expand when possible certain current programs including the targeted enforcement efforts periodically undertaken in the downtown including targeting drug enforcement efforts and the community resource team.
- C. Efforts should be considered in providing property owners and tenants information on calls for service (CFS) to properties. This should include utilization of the *Raids Community Crime Map* run by Lexis Nexis. This map is updated daily and property owners can use any number of filters to monitor properties and receive alerts for any/all Police responses to their properties. With more publicity/education, this mapping program may be utilized by members of the community and save the City any additional costs of implementing new resources. On a longer term basis, the City should investigate the potential of integrating police calls for service into the City's on-line GIS system.
- D. Consider adopting a city ordinance that would penalize tenants who vandalize property.

- E. Suggest that the City Council continue to review concerns related to inappropriate and illegal activity in and around multi-family dwellings.

GOAL 6: AGGRESSIVELY SEEK AND PURSUE FEDERAL, STATE, AND PRIVATE FUNDS TO ASSIST WITH MULTI-FAMILY HOUSING IN LEWISTON.

The Committee recognizes that significant investment is required to improve the safety and quality of portions of our multi-family housing stock and that our relatively low rents make it difficult for certain owners to undertake significant investments in their properties. As a result, the City must continue to aggressively pursue alternative sources of funding to support needed reinvestments in our housing stock.

Supplemental Committee Reports

Three subcommittees were established and charged with focusing on different areas of the above referenced goals and recommendations. One group worked on a modified rental registration recommendation; a second on issues involving Code Enforcement and Fire Prevention; and the third involving Police, public safety, and disorderly properties. Each of these groups subsequently prepared the following reports and recommendations covering its substantive areas.

Registration Program for Multi-Family Properties

Lewiston, Maine (5th Draft, 3/15/2019)

The purpose of the Registration Program for Multi-Family Properties is to collect and share information so the City and its residents, including both owners and renters, have accurate, complete, and transparent data about Lewiston's Multi-Family housing stock. Information priorities include:

- Accurate inventory of housing unit quantity and configuration.
- Accurate and complete ownership, management, and contact information for every unit.
- Accurate assessment of the health and safety of every unit.

Definitions:

- Legal Owner: The individual or legal entity, such as an LLC or LP, who holds the deed to the property.
- Business Operator: The specific individual with a legal ownership stake who makes major financial, maintenance, and policy decisions. A Business Operator may own multiple properties, and may have ownership stakes in multiple legal entities.
- Property Manager: An individual or business entity that maintains and repairs the physical property, and often manages tenant relationships and routine finances. In some cases the Property Manager is the Business Operator; in other cases the Property Manager is a Property Management Company.
- Property Management Company: An individual or business entity that has no ownership stake in a property, but serves as Property Manager on behalf of and at the direction of one or many Business Operators.
- Emergency Contact: The individual or business entity that responds 24/7 to emergency calls from tenants and public safety personnel.
- Multi-Family Property: A structure that contains 3 or more residential housing units.

Registration Requirements:

1. Registration is mandatory for all Multi-Family Properties in Lewiston.
2. Registration requires Business Operators and Property Management Companies to provide detailed information to the City annually.
3. Business Operators will receive a hardcopy Certificate of Registration for each registered Multi-Family property, which includes the Emergency Contact information. A copy of this certificate shall be permanently and prominently posted at each property.
4. The City shall determine the exact set of data to be collected from Business Operators (see examples on Page 4); the City may collect this type of information:
 - a. Ownership, management, and contact information for each property.
 - b. Configuration and condition information for each property.
5. The City shall determine the exact set of data to be collected from Property Management Companies; the City may collect this type of information:
 - a. Ownership, management, and contact information of the Property Management Company.
 - b. A list of all Lewiston Multi-Family Properties currently under management. For each property, the name and business address of the Legal Owner and the Business Operator.

6. Registration Program Funding:
 - a. No registration fees shall be collected from Business Operators or Property Management Companies.
 - b. Costs associated with the program should be supported by the City's General Fund, recognizing that the committee is recommending a no-fee registration program.
7. Registration Incentives:
 - a. Incentives apply to Business Operators who either:
 - i. Register in the first 60 days of the standard registration period and have no outstanding Notices of Violation; OR
 - ii. Purchase a Multi-Family Property after the annual registration period and register the property within 60 days of the purchase date.
 - b. Eligible Business Operators receive this incentive:
 - i. The City is already planning a rollout of Smart Water Meters, which will allow Business Operators to understand, correct, and ultimately save money on water use issues. The City will prioritize properties for meter installation according to registration date; for example, properties belonging to the first Business Operator who registers will be first on the installation list.
8. Penalties for Late or Non-Registration:
 - a. Business Operators and Property Management Companies who do not register within the 60-day period are publicly listed as "Unregistered" and incur a fine to be determined by the City for the period of time that they remain unregistered.
9. Registration benefits:
 - a. The Public has access to accurate and transparent information about the Multi-Family housing stock, which will:
 - i. Help renters, owners, housing agencies, and investors make better decisions when selecting housing.
 - ii. Reduce the volume of data requests to the City, which saves staff time and resources currently spent managing and responding to those requests.
 - b. The City can use registration status as an indicator of high risk properties, and may choose to prioritize inspections accordingly, for example:
 - i. Unregistered with active violations
 - ii. Unregistered with no active violations
 - iii. Registered with active violations
 - iv. Registered with no active violations
 - c. Registered Business Operators:
 - i. Are shown as Registered in the public database.
 - ii. Are eligible to apply for City incentives and assistance, such as rehabilitation loans and lead abatement funds.
 - iii. May be eligible for other funding offered by other sources, such as Efficiency Maine.
 - iv. May be subject to fewer inspections if they routinely pass inspections and have no history of violations. This frees up valuable inspection resources to focus on high risk properties.
 - d. Unregistered Business Operators and Property Management Companies:
 - i. Are shown as Unregistered in the public database.
 - ii. Are not eligible to apply for City incentives or assistance.
 - iii. Are prioritized for inspections.

Scope and Timeline:

- The Scope of the Registration Program is:
 - All Multi-Family properties in Lewiston (approximately 1,000)
- The Timeline of the Registration Program is:
 - All Business Operators and Property Management Companies can register starting January 1, 2020.
 - On-time Registration ends on February 29, 2020.
 - Unregistered Business Operators and Property Management Companies begin to incur fines as of March 1, 2020.

Appendix: Registration Data Examples for Business Operators

At time of Registration, the Business Operator signs a statement attesting to data accuracy. Some data is “Required,” some data is “Optional,” to be determined by the City. Data that the City explicitly collects and stores as “Confidential” will NOT be published in the Public database. Note that “Confidential” data may be accessible via a FOAA request.

CONTACT INFO	Required	Optional	Confidential	Corporate Sample	Individual Sample
Legal Owner					
Name				JLW Property Stewards, LLC	Gregory Jones
Charter #				20185219DC	
Clerk/Agent Name				Nathaniel Huckel-Bauer	
Clerk/Agent Mailing Address				Drummond & Drummond One Monument Way Portland, ME 04101	100 Horton Street Lewiston, ME 04240
Clerk/Agent Email Address				nhuckel-bauer@ddlwa.com	gregoryjones@gmail.com
Clerk/Agent Phone				207-774-0317	207-415-3333
Business Operator					
Name				Amy Smith	Gregory Jones
Business Mailing Address				PO Box 383, Lewiston, ME	100 Horton Street
Business Email Address				amy@jlwstewards.com	
Business Phone				207-415-4245	
Personal Mailing Address				11 Kellogg St, Portland, ME	
Personal Email Address				amysmith@gmail.com	gregoryjones@gmail.com
Personal Phone				207-444-5555	207-415-3333
Property Manager					
Business Name				Focus Property Management	
Business Owner Name				Jack Abbott	Gregory Jones
Business Mailing Address				123 Main St, Lewiston	100 Horton Street
Business Email Address				focusproperties@gmail.com	
Business Phone				207-666-5555	
Properties Under Mgmt				List of Addresses	100 Horton Street
Emergency Contact					
Name				Jack Abbott	Gregory Jones
Email Address				focusproperties@gmail.com	
Phone				207-666-5555	207-415-3333

PROPERTY + UNIT INFO **Required** **Optional** **Confidential** **Sample**

Property				
Address				51-53 Howard Street
Number of Units				4
Heating Fuel				Natural Gas
Hot Water Fuel				Natural Gas
Age of Heating System				2016
Electrical				Circuit Breakers
Siding				Vinyl
Windows				Vinyl
Roof				Flat Membrane
Lead History				Abated 2016
Parking				Driveway - 4 spaces
History of Accepting Vouchers				Yes - Section 8, GA

Unit 1				
Unit Address				51 Howard Street, Apartment 1
Level/Floor				1
# Bedrooms				2
# Bathrooms				1
Square Footage (Approx)				1250
Heat Delivery				Radiators
Cooking Fuel				Electricity
Refrigerator				Yes
Range				Yes
Microwave				No
Dishwasher				Yes
Laundry				Yes - Shared
ADA Accessible				No
Occupancy				Occupied
Rent Amount				\$800
Rent Includes Utilities				Yes - Heat, Hot Water
Lease				Yes - Expires 3/31/2019

Supporting Recommendations for “Registration Program for Multi-Family Properties”

Lewiston, Maine (4th Draft, 3/15/2019)

Information Sharing

- **All** registration information shall be available to City officials and departments who are responsible for upholding housing standards to ensure timely contact and communication with Business Operators, Property Management Companies, and Emergency Contacts.
- **Most** registration information shall be publicly available via a 24/7 online database, including business phone numbers and business email addresses, as soon as practicable.
- The City and community stakeholders shall provide resources for Business Operators so they can proactively:
 - Prepare for all Code and Fire inspections (i.e., published inspection checklist)
 - Identify and address lead risks.
 - Offer leases that are fair and balanced, adhere to Maine state law, and clearly communicate both renter and owner expectations; provide information on corresponding educational opportunities.
 - Understand and access programs and funding that can result in improved health and safety of properties.
- The City and community stakeholders shall provide resources for Renters so they can:
 - Identify lead risks, report them without penalty, and protect their family while living with known lead risks.
 - Understand and access programs and funding that can result in improved health and safety of their homes.

Implementation Details and Recommendations

- City designates one employee to be the “Multi-Family Property Business Partner” – a single individual who can help Business Operators navigate programs, resources, education, etc. related to owning and operating rental properties.
- Non-Profit Healthy Homeworks may provide the data publishing platform and property data maintenance at no cost to the City for 2 or more years.
- City Council creates a Standing Committee on Housing; the committee is designed to be inclusive and balanced, and to represent the interests of all stakeholders. An example composition:
 - Lewiston’s Multi-Family Property Business Partner
 - Representatives from the LA Public Health Committee
 - Representatives from local health-related Non-Profits
 - Tenants
 - Business Operators
 - Property Management Companies
 - Other community stakeholders to be determined.
- City improves data collection quality and efficiency by funding and rolling out a tablet-based data input program for field employees.

- Identify metrics so we can measure the effectiveness and impact of these efforts and report them annually to all stakeholders, for example:
 - # of inspections resulting in violations
 - # of inspections resulting in no violations
 - # of violations
 - average time until violations corrected
 - # of re-inspections
 - Number of registrants
 - Number of penalties/ amount of penalties served.
 - Financial metrics:
 - Time saved by new processes
 - Time saved by sharing data publicly
 - Time saved not tracking down owners/contact information

Lewiston Fire/Planning and Code Enforcement Subcommittee Recommendations on Implementation of Committee Goals

3/27/2019

Upon review of the Ad-hoc Advisory Committee on Rental Registration's goals and recommendations, Lewiston's Fire and Planning and Code Enforcement Departments (LFD/CEO) provide the following comment and recommendations:

1. Committee goal/recommendation: The Committee desires for the Fire Department, through its engine company inspection program and Fire Prevention Office to be the primary agency responsible for proactive, scheduled inspections, focusing on three primary elements designed to protect lives: tenant notification systems (smoke and carbon monoxide detectors), building elements designed to prevent or slow the spread of fire, and the presence of adequate and useable means of egress.
 - LFD/CEO recommendation: Engine companies and Fire Prevention staff currently utilize an Inspection checklist focusing on the three referenced primary elements designed to protect lives. A more proactive approach with scheduled inspections may occur with a Fire Inspector, a position dedicated to inspection of both residential and commercial (commercial units are not currently inspected). This position is not the same as the two current inspector/investigator positions which currently respond fire investigations and non-compliance issues raised by engine companies or Code Enforcement. This would be new position budgeted through the Fire Department. This position should be considered as there is too much reliance and expectation is being placed upon engine companies for inspections. Inspections currently are limited two days per week, seven-to-eight months per year, when not responding to a call for service.
2. Committee goal/recommendation: The committee recommends Code Enforcement be the primary agency responsible for responding to complaints, review the entire structure for other potential issues when responding to complaints, and undertake targeted inspection efforts focused on buildings or areas that present the greatest risk.
 - LFD/CEO recommendation: Code already assumes the role of being responsible for responding to complaints. Inspections include the unit requesting service as well as any common areas within the unit. Current staffing levels may be able to accommodate this task. However, should engine companies or fire inspections occur more regularly, it is anticipated that Code Enforcement will be contacted more frequently for assistance. Furthermore, responding to complaints received on a daily/weekly basis may slow efforts in targeted areas. Staff believes there is value and supports focusing on properties due structures size, density, age, and number of police calls. Improvements will be needed in compiling existing city data into GIS to determine areas of attention. Long term, depending upon what the City Council implements for a program will determine the need for additional staffing.

3. Committee goal/recommendation: Adopt a goal to inspect all three-unit and larger properties within a three-to-five year periods along with making improvements to Fire and Code Enforcements software so adequate information on inspection frequency and the results of inspections can be accessed.
 - LFD/CEO recommendation: A Fire Inspector, a position dedicated to inspection of both residential and commercial (commercial units are not currently inspected) may be needed. It is believed this position would be able to complete annual inspections of three-unit and larger properties within a three-to five year period. Otherwise, there is concern regularly scheduled inspections associated with a registration program will fall behind. Fire is in the process of adopting new software (Emergency Response). Engine companies and investigators will have tablets to use in the field. This information will somehow need to be integrated into either Code's existing software (Energov) or possibly an integrated GIS system. There may be a need for additional staffing to manage the data (for Fire and Code). This position may also assist in managing regularly scheduled inspections. The integration of data must be further explored to determine the best and most effective means of sharing information. However, full implementation of the Fire's existing software into Energov or an integrate GIS system is expected to take 18-24 months, with funding requested for FY2020.
4. Committee goal/recommendation: Communication and coordination must be improved between Fire and Code.
 - LFD/CEO recommendation: The departments currently communicate very well with each other. However, the department may considering crossing training between staff to assist each department on what key items to look for and when to defer to another department or staff. Integrated software would assist Fire and Code Enforcement in determining whether an inspection should be deferred.
5. Committee goal/recommendation: The frequency with which Fire inspects a property should be tied to some form of risk analysis.
 - LFD/CEO recommendation: Staff agrees that a risk analysis to eliminate threats to occupant safety and health in specific areas of the community would be beneficial. Existing city data will need to be compiled into GIS to determine areas of attention. Additional staff should not be needed, but coordination with MIS and GIS staffing will required.
6. Committee goal/recommendation: When Fire identifies a building with significant problems, it should be referred to Code for follow-up to avoid tying up significant engine inspection time on a problem building.
 - LFD/CEO recommendation: Engine companies defer noncompliance items to the fire inspector/investigator after a second failed inspection. However, with anticipated additional inspections, existing staffing will not be able to keep up with additional case load. Another Fire Inspector is recommended. Refer to Recommendation #1.
7. Committee goal/recommendation: Once adequate data is available to determine the actual inspection cycle, and should additional staff be required to meet the inspection goal, the additional staff should be provided in Fire Prevention. An additional position(s) would be tasked with conducting additional inspections, particularly during the winter

months when engine companies are unable to do this work due to concerns over fire equipment freeze up.

- LFD/CEO recommendation: staff supports additional staffing if there is a desire to meeting registration inspection goals.
8. Committee goal/recommendation: Providing building owners with a simplified code/fire prevention checklist to allow them to self-inspect for compliance, perhaps accompanied by or as a part of a code/fire compliance booklet providing information on areas of frequent violation.
- LFD/CEO recommendation: Staff supports this recommendation. Fire already has a checklist of sorts. Code should develop something similar. No additional staff anticipated. To better inform the residents and property owners of what city staff are requiring for code compliance. Minimal costs associated with creating and printing new documentation expected.
9. Committee goal/recommendation: On a trial basis to determine level of interest, the City should offer a training class for landlords/property managers covering city code requirements and how to meet them.
- LFD/CEO recommendation: Assistance will be needed in getting-the –word out about classes. Staff from Fire and Code would present information. There may be able to partner with contractors, housing advocacy groups, etc. Training may occur once every six-to-twelve months. Should include commercial properties and not be limited to residential properties. No additional staff needed; however, additional overtime funding may be necessary.

Public Safety/Police Sub-Committee Recommendations on Implementation of Committee Goals Regarding: *Address Inappropriate and Illegal Activity in and Around Multi-Family Properties*

3/8/2019

1. In regards to strengthening the current Disorderly Property Standard Operation Procedure (SOP), the sub-committee recommends adjusting the current call for service (CFS) threshold. Currently, the SOP's threshold is five (5) calls for service to any residential unit, disorderly in nature, constitutes grounds to be considered a disorderly property. The recommendation is to adjust this number, on a trial basis, to five (5) calls for service during a month to any residential property, regardless of the number of units in the building. While some consideration was given to adjusting this number up or down based on the number of units in a building, setting the limit at five calls is intended to simplify the process of identifying problem properties and recognizing that the number of calls can be an indicator of problems/issues that the landlord should be made aware of. At the same time, we recognize that the Police Department can then exercise some discretion on the extent of landlord response that will be expected. Five calls for service for a three unit structure might require a greater landlord response than five calls for service from a ten unit structure where the calls come from five different units. In addition, on a quarterly or semi-annual basis, the Police Department should identify those buildings that have had an excessive number of calls for service during the period and provide that information to Code Enforcement where it can be correlated with Code's information as a step toward identifying buildings that are problematic and which should be inspected to determine if behavioral problems have impacted life safety and building maintenance code issues.
2. Regarding notifying every property owner in the city of every CFS to their property the sub-committee recommends no action on this due to the following:
 - There already exists a program that is accessible to the public, to include property owners that show all CFS city wide. The program is run by Lexis Nexis and is called *Raids Community Crime Map*. This map is updated daily and property owners can use any number of filters to monitor properties and receive alerts for any/all Police responses to their properties. The use of the program is very simple and with more publicity/education could be taken advantage of by landlords and save the City any additional costs of implementing new resources.
3. The sub-committee recommends continued enforcement and targeted details to address issues in the downtown area.

4. Much the same as #2, the sub-committee recommends no further action in regards to implementing Police CFS in the city's on-line GIS System. This is already happening in the Raids Community Crime Map.
5. Regarding adopting a city ordinance to penalize tenants who vandalize property; the sub-committee recommends that the City and more particularly, the Police Department, continue to explore current ordinances/laws/possibilities to develop an ordinance/law that would hold tenants accountable for vandalism to rental units, much the same as property owners are held accountable for their infractions.

Other Information

Throughout the Committee's tenure, additional information has been provided that we believe can be useful to the City Council and the public as the City works to address housing health and safety issues and to work toward implementing the recommendations included in this report. That information is appended.

Attachments:

Council Resolve Establishing Committee
August 14, 2018 Memo from City Administrator, Background Information Requests
August 24, 2018 Memo from City Administrator, Disorderly Property Process
Lewiston Police Department, Standard Operating Procedures, Response To Disorderly Properties, Issued 2014



COUNCIL RESOLVE

Resolve, Establishing an Ad-Hoc Advisory Committee on Rental Registration

Whereas, the City has discussed the possible implementation of a rental registration program for some time and such a program is recommended in the City's comprehensive plan; and

Whereas, recently, a subcommittee of the Lewiston Area Public Health Committee has worked with staff to develop a program that was subsequently presented to the City Council at a workshop; and

Whereas, at that workshop, a variety of individuals spoke for and against all or various elements of the program; and

Whereas, it has become clear that additional thought and evaluation was required prior to the City Council reaching a decision as to whether or not such a program should be adopted and, if adopted, what that program should consist of; and

Whereas, the Council is now interested in establishing a group made up of various interested parties to undertake such an effort;

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

There is hereby established an Ad-Hoc Advisory Committee on Downtown neighborhood Action.

1. Purpose.

The purpose of this committee shall be to investigate whether the City should or should not adopt a rental registration program and to report its findings and recommendations to the City council. The Committee is hereby charged with defining and agreeing on program goals, establishing resource and staffing requirements to meet these goals, recommending whether such a program should be pursued and the nature of that program, and determining how such program should be funded and implemented.

2. Duties. The committee shall

- a. Discuss and define the goals of such a program;
- b. Outline the resources and staffing levels required to meet these goals

- c. Recommend whether such a program should be adopted by the City Council and, if so, to specify the nature of that program
 - d. If recommended, to determine how such a program should be funded and implemented
3. Composition and Appointment. The Committee shall be composed of seven regular members to be appointed by the Mayor as follows:
- a. Three individuals who own multi-family properties in Lewiston;
 - b. The Director of Planning and Code Enforcement;
 - c. An employee from the City's Code Enforcement Division;
 - d. An inspector from the City's Fire Prevention Office;
 - e. A representative of the Police Department familiar with issues related to multi-family housing;
 - f. A representative of Healthy Androscoggin;
 - g. A representative of the Lewiston Auburn Public Health Committee

In addition, up to two members of the City Council may be appointed by the Mayor as ex-officio members.

The Mayor shall designate one member of the Committee to serve as Committee Chair.

- 4. Vacancies. Should a vacancy occur on the Committee, the vacancy shall be filled by the Mayor in accordance with the requirements of section 3 above.
- 5. Term. The Committee shall submit its final report and recommendations no later than December 28, 2018, at which time it will cease to exist unless its tenure is extended by action of the City Council.
- 6. Staff Support. The City Administrator and/or his designee shall be responsible for supporting the work of the committee and handling the Committee's logistics.
- 7. Quorum. A majority of the members of the committee shall constitute a quorum.



EXECUTIVE DEPARTMENT

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

August 14, 2018

To: Members of the Rental Registration Committee
Fr: Edward A. Barrett, City Administrator
Su: Background Information Requests

At the initial meeting of the Rental Registration Committee, members of the Committee expressed an interest in receiving certain background information. What follows attempts to provide some of that information.

GENERAL INFORMATION ON PROPERTIES IN LEWISTON

Property Mix

The split between single family and multiple unit residential buildings in Lewiston is about 76% single unit and 24% multiple unit. In terms of total residential unit count, however, 42.6% of our units are in single family homes while 57.4% are rental. As is the case in some of Maine's other service center communities, the majority of our population (50.8% per census data) lives in rental housing.

SUMMARY -- BUILDING SIZE BY UNIT COUNT

BUILDING TYPE	NUMBER	% BUILDINGS	UNITS	%
SINGLE FAMILY	6,712	76.0%	6,712	42.6%
DUPLEX	1092	12.4%	2184	13.9%
TRIPLEX	386	4.4%	1158	7.3%
FOURPLEX	174	2.0%	696	4.4%
5-9 UNITS	363	4.1%	2376	15.1%
10-14 UNITS	58	0.7%	647	4.1%
15-19 UNITS	12	0.1%	305	1.9%
20+ UNITS	30	0.3%	1683	10.7%
TOTAL	8,827	100.0%	15,761	100.0%

Property Age

One of the major issues related to rental properties in Lewiston is the overall age of our housing stock. This is particularly relevant to lead concerns since the lead paint was wide-spread in residential properties constructed prior to 1979. The following chart breaks down the age of our 3 unit or larger rental properties.

SUMMARY THREE UNIT BUILDINGS BY YEAR BUILT

CONSTRUCTION YEAR	# BUILDINGS	% of TOTAL	# UNITS	# BEDROOMS	UNITS/BLDG	BEDROOMS/UNIT
Pre-1900	352	34.3%	1979	3,443	5.62	1.74
1900-1924	400	38.9%	2352	4372	5.88	1.86
1925-1949	140	13.6%	811	1393	5.79	1.72
1950-1978	79	7.7%	802	1646	10.15	2.05
1979-1999	48	4.7%	632	1274	13.17	2.02
2000-Present	8	0.8%	152	287	19.00	1.89
TOTAL	1027	100.0%	6728	12,415		
PRE 1979	971	94.5%	88.3%			

Overall, almost 95% of our three-unit and larger multi-family structures were built prior to the elimination of lead paint. This represents 88.3% of our total rental units. (An interesting side note appears to be that since 1950, the size of our rental buildings has increased significantly. I suspect this is due to a number of factors including construction costs and federal housing policy.)

Building age can and does impact the economics of our rental market. Older properties can easily become obsolescent, either functionally or economically, due to maintenance and utility costs and factors such as ease of access to upper stories. This can lead to higher costs and vacancy rates.

Lead Concerns

The City has received three lead remediation grants that we estimate will have cleared 420 units by the end of the current grant program. Given the 5,142 pre-1979 units, 420 units represent about 8.2% of the total. If the post 1979 units are counted as lead safe, the total increases to 1,204 or about 17.9%. The actual percentage of lead safe units is likely higher than this given that we do not have data on the number of units that have been privately renovated where lead has been addressed. Nevertheless, there are clearly a large number of units that have not been addressed. We should also acknowledge that "lead safe" is not "lead free" and that if units are not appropriately maintained over time, new lead hazards can emerge.

Based on our most recently completed grant, the average cost to address lead concerns was \$12,405 per unit, not including instances where temporary relocation is required or other related work (e.g., roof repairs) was needed. Assuming 75% of our current rental units require remediation at an average cost of \$12,500 per unit, the total cost to achieve city-wide lead safe status would be over \$63,000,000. It is clear that lead will remain an issue in Lewiston for many years to come and that education and screening programs will be needed to minimize negative impacts.

INSPECTION PROGRAM

The primary rental inspection program operated by the City is through the Fire Department and is conducted by our engine companies. The focus of the program is on the life safety code, not the building or property maintenance code, although there are overlapping areas among these codes.

The inspection program is aimed at all properties with three units or greater. A summary showing the number and type of inspections is attached as is a copy of the Department's inspection form.

In the most recent two full years. The department has averaged inspecting 190 buildings per year. Given the 1,023 buildings that require inspection, at this rate each building would be inspected once every 5.4 years. If inspections were limited to buildings with 4 or more units, the inspection cycle could be reduced to roughly 3.4 years.

Some questions that the Committee might wish to consider include the appropriate inspection cycle time, what size units should be inspected, and whether inspections should be guided by some form of risk analysis such as age, number of units, installed fire safety systems, setbacks from other surrounding properties, etc.

GENERAL ASSISTANCE VOUCHERS

Number of Vouchers

The City's general assistance program primarily provides rental housing to its clients. In recent years, the average number of rental vouchers per month has ranged from 238 in City fiscal year 2018 to 351 in 2017, a number more typical of recent history¹. Assuming the City is "renting" 351 apartments in a given month, this represents about 5.1% of the available units in buildings with 3 or more units. If duplexes are included, the percentage falls to 3.9%. At the more recent level of 238 per month, the city percentages fall to 3.5% and 2.6% respectively.

Value of Vouchers

As a starting point, please keep in mind that the General Assistance Program is effectively state mandated and regulated and administered locally. The value of a voucher is, therefore, established in accordance with the regulations issued by the State Department of Health and Human Services. Under state regulations, the housing maximums are calculated based on bedroom size while overall maximum levels for all assistance (housing, utilities, food, personal supplies, etc.) are calculated based on household size. A household of 3, for example, is eligible for an overall level of monthly assistance of \$915 while a heated 3 bedroom unit has a maximum allowable rent of \$1079. When the allowable rent exceeds the monthly maximum, the monthly maximum of \$915 governs. Because the city is also required to pay for electricity for the unit, that amount is also deducted reducing the rental amount to \$840. We are also required to allow \$4 per month for food, leaving the family of 3 with \$836 for rent. The heated two bedroom maximum is \$838. For purposes of comparability, the HUD fair market rate for a two bedroom is \$847 and the standard Section 8 payment is \$889. In this instance, therefore, the GA voucher is \$49 below the Section 8 payment.

The variance between the amount of a GA voucher and Section 8 will vary based on household and unit size. If, for example, the household size above was 4 (2 adults and 2 children) renting a 2 bedroom unit, the overall maximum would increase to \$1169 with an \$847 rental payment.

¹ The recent year has seen a fairly dramatic reduction in the number of refugee/immigrant placements in Lewiston due to changes in federal policy. While asylum seekers continue to arrive, it is not clear what the future trends for this group will be. These factors have likely resulted in the decline in units rented last year.

Attached is a chart that shows the GA voucher rates based on number of persons and bedrooms.

Also attached is data covering the last two fiscal years that shows the landlords who have received rental vouchers and the number of monthly vouchers they have received.

Demolitions

One other City initiative in recent years has been addressing hazardous structures through our demolition program. This most recent effort began in 2010 and, since then, has resulted in 78 city demolitions eliminating 228 housing units at a total cost of just over \$2.5 million. During this same period, only 71 new units have been added to our inventory, resulting in a net loss as a result of the City's program of 157 units. This does not include private demolitions, which have addressed about another 200 buildings in the same period. We unfortunately do not have an actual unit count on private demolitions. Assuming the same average unit count per building as those done by the City (2.9), this could represent as many as an additional 584 dwelling units.

These efforts have clearly impacted both the quantity of units and the overall condition of rental housing in the community.



CITY OF LEWISTON

Edward A. Barrett
City Administrator

August 24, 2018

To: Rental Registration Committee
Fr: Ed Barrett
Su: Disorderly Property Process

In 2014, the City Council considered adopting a disorderly property ordinance that was similar to ones adopted in a number of other communities. The intent of the proposal was to address recurring disorderly conduct in a dwelling that disturbs the peace and tranquility of others and detracts from the quality of life of the area.

After discussion and in light of opposition from building owners, the Council instead supported the Police Department adopting a Standard Operating Procedure (attached) addressed at the same issues but excluding penalties that building owners would be subject to for failure to take effective measures to address the problems. A copy of the most recent version of the proposed ordinance is also attached.

Officer Weaver will be available at the meeting to discuss the policy and how it is working.

A TALE OF ONE PROPERTY

Earlier this year, a local landlord who has made a significant investment in an adjacent property contacted the City Council to complain about the negative impacts his tenants and property were experiencing due to behavioral and building issues at an adjacent property and the frequency with which police were responding both to that property and to the immediate area for incidents involving residents of that property. Note that the attached documentation redacts the address and ownership of this property since it is not my intent to point at any individual property or owner but rather to use this property as one example.

Over a roughly two year period, police responded to this property 85 times. Not all of these calls were crime related, although about half of them involved some form of criminal activity or disturbance. In spite of the frequency of police calls, the property apparently did not reach the threshold for a disorderly property during this period. See the attached memo from Officer Weaver outlining why the property did not meet this threshold.

The property had met the threshold once in early 2016. Please also see the attached information from Officer Weaver regarding that event and its outcome.

Due to the complaint received, Code Enforcement also visited the property and found numerous violations. Note that based on the complaint, the Code Officer contacted the Police Department to determine whether it was safe to inspect the property without a police presence. The Notice of Violation is attached along with a series of subsequent emails between the property owner

and Code. While the property owner has been cooperative, I find it worth noting that the owner, upon going through the property, expresses concern over the extent of the tenant caused damage that the owner was not aware of prior to being contacted by the City.

ISSUES FOR COMMITTEE CONSIDERATION

While the situation described above may not be totally representative of the problems we face, it is certainly not the only property of its nature in our community. The behavior associated with such properties contributes to the negative perception of areas within our downtown residential neighborhood, impacts the desirability of renting there, and affects property values and rental rates. It raises the following questions/issues that the Committee may wish to consider.

Is the current disorderly property policy adequate to identify properties that should be addressed? Should the policy be adopted as an ordinance including fines and penalties for failure to address problems? Why, in this instance, did a responsive owner not know about what was happening at and around the property and are there ways to address such situations through landlord education/information programs? And, finally, how much responsibility should the City be required to take on in addressing such situations as opposed to the landlord?

It is seriously worth considering the amount of time and effort the Police Department and Code Enforcement have devoted to this one property. This is far out of proportion to the level of effort required for most properties in the city; however, it is not unique or unusual given what we see daily.

RESPONSE TO “DISORDERLY” PROPERTIES



*Lewiston Police Department
Lewiston, Maine*



**STANDARD OPERATING
PROCEDURES**



RESPONSE TO “DISORDERLY” PROPERTIES

I. PURPOSE II. POLICY III. DEFINITIONS IV. PROCEDURE V. ENFORCEMENT

I. PURPOSE

The purpose of this Standard Operating Procedure is to protect the health, safety, and welfare of the residents of the City of Lewiston by reducing the recurrence of disorderly conduct in dwellings that disturbs the peace and tranquility of others.

II. POLICY

The mission of the Lewiston Police Department is to promote an atmosphere of partnership with the community toward the common goal of protecting life and property while enhancing the overall quality of life through mutual trust, respect, and the fair, equitable enforcement of laws while carefully safeguarding the dignity of all. The City has a substantial and compelling interest in protecting neighborhoods affected by conduct that unlawfully disturbs the peace and/or constitutes a nuisance because such conduct adversely affects the health, safety, and welfare of citizens and diminishes the quality of life in neighborhoods where it occurs. Such disorderly conduct and its impact should be abated. This written policy outlining a response to “Disorderly” Property is required because other prohibitions and penalties under state law and the City’s code of ordinances have not adequately eliminated or controlled chronic, disorderly or nuisance activity in the City. The enactment of this policy as a standard operating procedure is intended to alleviate the deleterious impact of chronic, unlawful or nuisance activity in dwelling places and neighborhoods by authorizing early and constructive intervention by the Lewiston Police Department.

RESPONSE TO “DISORDERLY” PROPERTIES

III. DEFINITIONS

A. “Disorderly Conduct”

“Disorderly Conduct” is any conduct that would have a tendency to unreasonably disturb the health, safety, or peaceful enjoyment of the community, the neighborhood or an ordinary individual in the vicinity, including but not limited to: loud music; boisterous parties; sounds emanating from within a structure which are annoying outside the building; loud noise or fights within a building or in its vicinity involving owners or tenants of a building or their invitees (excluding incidents involving domestic violence); owners, tenants or invitees being intoxicated in shared areas within the building such as hallways, stairways, or on public ways in the vicinity of the building; the arrest and conviction of owners, tenants or invitees for activities which constitute either a crime or civil infraction under either state or local law; other *similar activities* in a building or in areas outside of but in the vicinity of a building; or other conduct proscribed pursuant to 17-A M.R.S. § 501-A.

Similar Activities include, but are not limited to:

- Drug related criminal activity;
- Prostitution;
- Violations of conditions of bail, parole, or probation;
- Alcohol abuse which threatens the health, safety, or right to peaceful enjoyment of the premise by other residents/tenants; and
- Tenant(s) fleeing to avoid prosecution, custody, or confinement after conviction of a crime.

B. “Disorderly Property”

A “disorderly property” is any property on which there is located a building that houses one or more dwelling units or any bed and breakfast establishment, hotel, motel, lodging or rooming house or other structure that provides residential accommodations at which property the police have found, on five (5) or more occasions in any thirty (30) day period or fifteen (15) or more occasions in the preceding year, that the owner, a tenant, or a tenants’ co-habitees, guests or invitees, or other occupants have engaged in disorderly conduct.

- For the purpose of this policy, disorderly behavior violations as defined will be documented by a specific address such as apartment number, single family home address, or boarding house room number within a given building. Penalties and documentation will be associated with the specific address of buildings outlined/defined in the “disorderly property” definition in this ordinance.

LEWISTON, MAINE, POLICE DEPARTMENT – STANDARD OPERATING PROCEDURES

RESPONSE TO “DISORDERLY” PROPERTIES

The Police Chief or his/her designee shall have the sole discretion in determining whether conduct is disorderly and whether a building constitutes a “disorderly property”.

IV. PROCEDURE

A. Administration

1. The Police Department shall document and monitor the recurrence of disorderly conduct at residential buildings or structures in the City as defined under the “disorderly property” definition of this policy.
2. Whenever there have been five (5) or more occurrences of disorderly conduct at a residential property in any thirty (30) day period or fifteen (15) or more occurrences of disorderly conduct in the preceding year, the police department may notify an owner of such property of the circumstances of the disorderly conduct and the identity(ies) of its perpetrators, if known.

B. Official Notice

1. Whenever the Police Chief or designee has declared a building to be a disorderly property, this shall cause an owner of the property to be notified of such declaration and of the events which form the basis for that designation. The notice shall request the owner or the owner’s representative to meet with the Police Chief or his designee(s) within five (5) business days from the date of the notification to identify ways in which the problems which have been identified will be eliminated.

C. Meeting

1. At the time of the disorderly property meeting, the owner shall be requested to provide to the city the following documentation:
 - a. A copy of the names of all tenants or other persons authorized to reside or presently residing in the building(s) on the property and the units they occupy;
 - b. Contracts with any property manager or other person responsible for the orderly operation of the property;

In addition, the owner will be asked to take effective measures to address the disorderly property to be implemented within one (1) week of said meeting unless another date is agreed upon by the City and the owner.

LEWISTON CITY COUNCIL
MEETING OF MAY 21, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO.

6:30pm

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/kmm

REQUESTED ACTION:

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



Lewiston Firefighters Association **International Association of Firefighters**

Central Fire Station – 2 College Street –
Lewiston, Maine – 04240-7101



2019 Community Service Scholarship For Lewiston Youth Advisory Council Senior

The Lewiston Firefighters Association provides an annual \$1,000 **Community Service Scholarship** to a deserving Lewiston Youth Advisory Council (LYAC) graduating senior to use towards his/her continuing education.

CRITERIA: This scholarship honors one graduating high school senior who has contributed to the well-being of others within his/her community through public service. All LYAC graduating seniors are eligible to apply; the award is not automatically awarded to an individual who holds an LYAC officer position.

APPLICATION REQUIREMENTS: To apply, each applicant must write/submit a 500-word essay that includes the following information:

Essay Contents:

- Why did you join the Lewiston Youth Advisory Council?
- What have you learned through your experiences with LYAC?
- As an LYAC member, how have you contributed to/helped the community?
- Why do you believe community service is important?
- Name, Career Aspirations

2019 Application Deadline: April 26, 2019

Return Essay To

Rick Cailler

Lewiston Firefighters Association

EMAIL SUBMISSION ONLY

rcailler@lewistonmaine.gov

Selection Committee:

Mayor

Firefighters Association Representative

LYAC Council Liaison

LYAC Advisor (*to answer questions about each applicant's LYAC tenure*)

Emma Williams

LYAC Scholarship Application 2019

My name is Emma Williams. I joined the Lewiston Youth Advisory Council at the beginning of my sophomore year because a friend of mine was in it the year before, enjoyed it and recommended it to me. Through LYAC, I have learned what it means to give back to my community as well as learning what it means to have confidence and to be a leader. Before joining LYAC I never really felt what it was like to give back to everyone in the community. I volunteered teaching a karate class but it was only a small group of people and I never went beyond that to a bigger group or the community as a whole.

When I first joined the youth council I had very little confidence and did not talk in groups unless I was addressed. Now I am in my second year as the chair and leading every meeting, event, and going to a monthly city council meeting to update the council on what LYAC is doing. Since I have been on the youth council, I have learned so much about my community and met some really great people. We have helped our community learn more about our hometown - it's past, present and future - through hosting events such as a night about Lewiston's musical history; multiple events highlighting so many of the great places and people of Lewiston; putting a focus on positive, respectful communication; surveying 4th, 8th, and 12th graders about their thoughts on Lewiston; and finally, focusing on bullying in our community, the impacts of bullying, and how to stop it.

I have learned more about what it means to give back to my community through LYAC. I believe community service is important as it helps people learn about leadership, communication skills, and it is just a good feeling to help others. I have come out of my shell and grown a lot since joining LYAC. I have embraced my role as chair and because of that when I volunteer at Montello Elementary School, I feel more comfortable assisting the teacher in the art club. I believe that having a commitment like community service helps build time management skills as well. I know personally I have learned to manage my time better with everything I am doing from LYAC, working 20 hours a week, keeping my grades up, being in NHS, NTHS, working on scholarship applications, and volunteering at Montello Elementary school once a week. Volunteering and community service also builds communication skills as you are out in the community, and doing things for the community means you have to talk to others. I have built my communication skills mainly by all of the community service I have been doing through LYAC.

In the fall I will be attending the University of Maine at Farmington to earn my Bachelor of Arts degree in Elementary Education most likely with a concentration in math. After I earn my degree I hope to return to Lewiston to teach.

LEWISTON CITY COUNCIL

MEETING OF MAY 21, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO.

1

SUBJECT:

Appointment to the Lewiston Area Public Health Committee.

INFORMATION:

Under the procedures for appointments of members to the Lewiston Area Public Health Committee, the Committee nominates members to serve and the City Council makes the formal appointments of the members. The Committee has nominated Henoc Wa Kubunda Ngoy to serve on the Committee. The Council is asked to approve the nomination of Mr. Ngoy and make the formal appointment.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

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

EA/B/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To appoint the following nominee to the Lewiston Area Public Health Committee:

Henoc Wa Kubunda Ngoy

City of Lewiston

Application for Appointment to City Board/Commission/Committee

Full Name: HENDO WA KUBUNDA NGOY

Street Address: 229 BLAKE STREET, 2nd FL, Apt # 3

Mailing Address (if different): _____

Telephone Number: (207)-440-8041 (daytime) (207)-440-8041 (evening)

Email Address: enockngo2015@gmail.com

Length of time as a Lewiston Resident: 1 YEAR & 5 Months Council Ward: 5

I wish to be considered for appointment to the:

LA PUBLIC HEALTH COMMITTEE
(Name of Board/Commission/Committee)

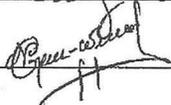
Check one or both: Full Membership Status Associate Membership Status

Educational Background: BACHELOR DEGREE IN PUBLIC HEALTH
HIGH SCHOOL DIPLOMA IN SCIENCE: BIOLOGY & CHEMISTRY

Employment History: CNA - (Certified Nursing Assistant) -> Genesis Healthcare
CONSULTANT - WORLD VISION INTERNATIONAL D.R. CONGO

Community Service: VOLUNTEER - HEALTH ANDROSCOGGIN - LEWISTON, ME
VOLUNTEER - HEALTH NEIGHBORHOODS - LEWISTON, ME

Please note any prior experience, knowledge or abilities that you have which would contribute to the activities of the Board/Commission/Committee: The assessment of needs for groups, individuals and communities for health education.
Health education for HIV/AIDS, Family planning, Nutrition education, Provide informal counseling and social support.

Date: 05/08/2019 Signature: 

Thank you for your interest in serving the City of Lewiston.
Please return form to: City Clerk's Office, 27 Pine Street, Lewiston, ME 04240-7297

LEWISTON CITY COUNCIL
MEETING OF MAY 21, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 11 Goffe Street.

INFORMATION:

The Council is asked to approve a municipal quitclaim deed for the property located at 11 Goffe 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.

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 Order authorizing execution of a municipal quitclaim deed for real estate located at 11 Goffe Street.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 11 Goffe Street.

WHEREAS, the owner, Joanha Thibodeau, failed to pay her bills on a timely basis for 11 Goffe Street (Tax Map 150, Lot 306, Parcel 00-002796); and

WHEREAS, a storm water lien was filed on April 5, 2016 (Book 9337 Page 192) and matured on October 5, 2017 in the amount of \$92.18; and

WHEREAS, a storm water lien was filed on September 22, 2016 (Book 9459 Page 47) and matured on March 22, 2018 in the amount of \$91.91; and

WHEREAS, a sewer lien was filed on March 14, 2017 (Book 9562 Page 38) and matured on September 14, 2018 in the amount of \$188.30; and

WHEREAS, a storm water lien was filed on March 14, 2017 (Book 9562 Page 77) and matured on September 14, 2018 in the amount of \$93.67; and

WHEREAS, a water lien was filed on March 14, 2017 (Book 9562 Page 51) and matured on September 14, 2018 in the amount of \$165.85; and

WHEREAS, a water lien was filed on October 6, 2017 (Book 9702 Page 246) and matured on April 6, 2019 in the amount of \$211.67; and

WHEREAS, a sewer lien was filed on October 6, 2017 (Book 9702 Page 275) and matured on April 6, 2019 in the amount of \$282.29; and

WHEREAS, payment has been received in full;

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

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 11 Goffe Street to the owner.

LEWISTON CITY COUNCIL

MEETING OF MAY 21, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for an outdoor theater performance to be held at Kennedy Park.

INFORMATION:

The Maine Inside Out organization, dedicated to working on issues of juvenile delinquency, is seeking permission for an Outdoor Entertainment permit for an outdoor theater performance on Wednesday, June 12, 2019. They are planning to have a live performance in the Park from 5pm – 7:30pm. Per the City Code, an outdoor entertainment event cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/BK/mm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application for an outdoor entertainment event for the Maine Inside Performance & Dialogue event, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Maine Inside Out organization for a live outdoor theater performance to be held at Kennedy Park on June 12, 2019, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.



2019 Event Application-FY20 for events from 7/1/19 to 6/30/20

Application Date: 4/22/2019

Event and Organizer Information

Event Name: Maine Inside Performance & Dialogue Event Location: Kennedy Park
Requested Date(s) June 12 Rain Date (if applicable) Recurring Dates &
Actual Hours of Event 5:00 to 7:30 Set up: 4:30 Tear Down: 7:30
Type of Event (check all that apply): Park Use Only X Gazebo Use X Amphitheater Use X
First-time Event X Repeat Event Attendance (25+) X (1,000+) (requires CC approval)
Walk/Run Road Race Festival Concert Live Performance X Parade
Carnival Fireworks Arts X Wedding Ceremony Wedding Reception Picnic/BBQ X
Open to the Public X Age-Restricted Invitation Only Vigil Demonstration March
Fundraiser Other (please specify):

Name of Organization: Maine Inside Out For-Profit Non-Profit X
Organization Address: 56 North St. City: Portland
Organization Daytime Telephone: 617 721 3495

Applicant Name: Noah Bragg Title: Program Coordinator
Applicant Telephone: 617 721 3495 Applicant Email: noah@maineinsideout.org
On-site Manager Name (day of event): Margot Fine cell: 207 650 3449

At-A-Glance / Staff Use Only

EVENT NUMBER: Calendar E-Folder DB EM Staff
\$50 Processing Fee CK CC CASH Park Fee(s) Clerk Fee(s) Date
NP Paperwork: on file 501C3 IRS Letter Form 990 COI: Date
Fee Waiver Request Schedule A Fundraiser Maps Submitted

Event Staff-Organizer Meeting Date

Outdoor Entertainment Detour/Road Closure Fire Review
Sound Amplification EMR Group Notification Electrical Access
Outside Alcohol Business Contact Plan Dig-Safe
Vendor/Flea Market Permit Police Assistance Water Access

Table/Chair requests (pg. 5)



Event Details & What We Need to Know

Events in Our Parks

Lewiston-based non-profits (LBNP) will receive a 50% discount on park fees.

If utilizing a park, please select one

Park Name	Fee	LBNP	Park Amenities	Fee	NP Rate
Simard Payne Park	\$150	\$75	Amphitheater	\$60 hr.	\$25 hr.
Dufresne Plaza	\$150	\$75			
Kennedy Park	no charge	X	Gazebo	X	no charge
Pettingill School Park	no charge		Pergola		no charge
Marcotte Park	no charge				
Potvin Park	no charge		Reservations are required		
Raymond Park	no charge		Number of Days _____		
Sunnyside Park	no charge				Amount \$ _____
Other _____					

Please note, there are no bathroom facilities at City parks. Please plan ahead for porta-potties.

City Clerk's Office in conjunction with Sanitarian/Code Enforcement

Please check all that apply

Sound Amplification Needed Yes No Please describe Microphones and speaker

SOUND AMPLIFICATION PERMIT may be required \$17 per day / \$8.50 (LBNP) Amount \$ _____

Live Performance Yes No Please describe Original theater

OUTDOOR ENTERTAINMENT PERMIT \$50 / \$25 (LBNP) Amount \$ _____

City Council approval is required

Food Yes No Sold Given Away Type To be decided

Food Truck Food Truck Name _____ Licensed Yes No

BBQ is this a catered event? Name of caterer _____ (copy of rules & regs)

FOOD SERVICE LICENSE may be required \$50 up to 3 days / \$25 (LBNP) Amount \$ _____

Sanitarian/Code inspection may apply, Fire inspection may apply

Beverages Yes No Sold Given Away Type _____

Outside Alcohol (restrictions apply) Name of Licensed Business _____

FOOD SERVICE LICENSE may be required \$50 up to 3 days / \$25 (LBNP) Amount \$ _____

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

No discounts apply on alcohol permits

LEWISTON CITY COUNCIL
MEETING OF MAY 21, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Bear Bones, Inc., 43 Lisbon Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Bear Bones, Inc., 43 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.

EAZ/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 Bear Bones, Inc., 43 Lisbon Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 5/2/2019

Expiration Date: 4/5/2020

- 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: Bear Bones Beer Business Phone: 200-1324

Location Address: 43 Lisbon St.

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

Mailing Address: 43 Lisbon St., Lewiston, ME 04240

Email address: ~~bea~~ bearbonesbeer@gmail.com

Contact Person: Adam Tuuri Phone: 713-8309

Owner of Business: Adam Tuuri Date of Birth: 11/9/1983

Address of Owner: 48 Holland St. Lewiston, ME 04240

Manager of Establishment: Adam Tuuri Date of Birth: 11/9/1983

Owner of Premises (landlord): Adam Tuuri

Address of Premises Owner: " "

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

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

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

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

Corporation Name: _____

Corporation Mailing Address: _____

Contact Person: _____ Phone: _____

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? ~~1st~~ 2nd Floor 16' above

Please describe the type of proposed entertainment:

- dancing
- stand up comedian
- piano player
- music by DJ
- karaoke
- other, please list _____
- live band/singers
- magician
- 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: Adam B. Touri Title: President/CEO Date: 5/2/2019

Printed Name: Adam B Touri

Hearing Date: 5-21-19



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: February 13, 2019

RE: Liquor License– **Bear Bones, Inc**

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

Bear Bones, Inc
43 Lisbon 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 MAY 21, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Sonder & Dram, Inc., 12 Ash Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Sonder & Dram, Inc., 12 Ash Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/ksmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Sonder & Dram, Inc., 12 Ash Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 5-15-19

Expiration Date: 6-11-2020

- 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: Souder + Dram Inc Business Phone: 207-312-4400

Location Address: 12 Ash St, Lewiston, ME 04240

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

Mailing Address: 201 Main St, Auburn, ME 04210

Email address: office@greatfallsdevelopmentgroup.com

Contact Person: Rick Roy Phone: 207-240-4624

Owner of Business: Rick Roy Date of Birth: 7/28/76

Address of Owner: 81 Webb's Mills Rd, Raymond, ME 04071

Manager of Establishment: ~~R~~ SAME ? Date of Birth: ?

Owner of Premises (landlord): Jamey Pittman

Address of Premises Owner: 30 Taywood Rd, Auburn, ME 04210

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

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

Souder + Dram 12 Ash St

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: Jan Mercier

Disorderly Conduct many years ago (see paperwork in file)
CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: Sonder + Drum

Corporation Mailing Address: 201 Main St Auburn ME 04210

Contact Person: Rick Roy Phone: 207 240 4624

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? 1 Block

Please describe the type of proposed entertainment:

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

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: [Signature] Title: Director Date: 5/15/19

Printed Name: Rick Roy

Hearing Date: 5-21-19



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St. Pierre, Support Services

DT: April 03, 2019

RE: Liquor License/Special Amusement Permit – **Sonder & Dram Inc.**

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

Sonder & Dram Inc. 12 Ash St.



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



Professionalism

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LEWISTON CITY COUNCIL

MEETING OF MAY 21, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing & First Passage for Land Use Code Amendments regarding the creation of the Lisbon Street Commercial Historic District.

INFORMATION:

On October 4, 2018. The National Park Service, Department of the Interior, entered the Lisbon Street Commercial Historic District in the National Register of Historic Places. This designation expanded the existing portion of the Lisbon Street Commercial Historic District that was created back in 1985. This agenda item adds this District description into the City's Land Use Code.

Attached is a positive recommendation from the Planning Board recommending approval of this ordinance amendment.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to Appendix A, Article XV "Significant Buildings and Districts", Section 6. "Designated Historic Structures and Historic Districts", Subsection b 2 "Lisbon Street Commercial Historic District", of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting.

**AN ORDINANCE PERTAINING TO THE ADDITION OF NEW HISTORIC DISTRICT
TO ARTICLE XV**

THE CITY OF LEWISTON HEREBY ORDAINS:

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

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE XV. SIGNIFICANT BUILDINGS AND DISTRICTS**

Sec. 6. Designated historic structures and historic districts.

- (b) *Historic districts.* The following described districts are designated as historic districts:
- (2) *Lisbon Street-~~Historic~~Commercial Historic District (1985).* Start at the intersection of Chestnut and Lisbon Streets; Thence in a generally southeasterly direction along Lisbon Street to the intersection of Lisbon and Cedar Streets; thence in a generally southwesterly direction along Cedar Street approximately one hundred thirty-eight (138) feet; thence in a generally northwesterly direction parallel to Lisbon Street to the intersection of Chestnut Street; thence along Chestnut Street to Lisbon Street and the point of beginning, listed on National Register of Historic Places 5/21/85.

The following are contributing structures within the Lisbon Street Historic Commercial District (1985):

- 277 Lisbon Street (Institute Jacques-Cartier);
- 291 Lisbon Street (Centennial Block);
- 311 Lisbon Street (Simard and Sons Building - upper floors destroyed by fire and demolished 1996);
- 323 Lisbon Street (Condemned 2004 – demolished 2006);
- 331 Lisbon Street;
- 337 Lisbon Street;
- 339 Lisbon Street;
- 343 Lisbon Street (Condemned and demolished in 2004);
- 347 Lisbon Street;
- 353 Lisbon Street (Dulac Building);
- 359 Lisbon Street (Condemned and demolished in 2004).

Lisbon Street Commercial Historic District. (2018) Start at the intersection of Chestnut Street and Lisbon Street, thence in a generally southwest direction, to the intersection of Chestnut Street and Canal Street Alley, thence in a

northwesterly direction along Canal Street Alley approximately eight hundred and thirty feet (830'), thence to the northeast twenty feet (20'), thence continue along Canal Street Alley approximately one hundred feet (100') to the intersection of Canal Street, thence to the northwest approximately seven hundred and thirty feet (730') to the intersection of Main Street, thence to the northeast six hundred and thirty feet (620') to the intersection of Middle Street, thence to the northeast one hundred and eighty five feet (185'), thence ninety feet (90') to the northeast, thence one hundred and ninety feet (190') to Main Street, thence five hundred and thirty feet (530'), thence to the southeast around the boundary of 249 Main Street, thence to the southwest along the rear property lines of 217 Main Street, across Middle Street along the southwestern boundary of 8 Park Street, thence across Park Street, thence following Journey Alley approximately one hundred and fifty feet (150'), thence in a southeasterly direction parallel to Lisbon Street to Ash Street, thence in a northeast direction to the intersection of Park Street, thence one hundred and seventy five feet (175'), thence one hundred and fifteen feet (115') to the southwest to Park Street Alley, thence six hundred and fifty feet (650') to the southeast to Chestnut Street, thence around the boundary of 99 Chestnut Street, thence around the rear property lines of 276 Lisbon Street, thence one hundred and fifty feet (150') northwest to the point of beginning, listed on the National Register of Historic Places on October 4, 2018.

The following are contributing structures within the Lisbon Commercial Historic District:

41 Ash Street, (Second Manufacturer's National Bank Building)
99 Chestnut Street
9-7 Lisbon Street, (The Gateway-Masonic Hall Building)
21-31 Lisbon Street, (Union Block)
43-47 Lisbon Street
46 Lisbon Street, (Lewiston Trust and Safe Deposit Company Building)
49-53 Lisbon Street, (Lyceum Hall)
50 Lisbon Street, (Second Osgood Building)
55 Lisbon Street, (Depositor's Trust Company Building)
69-87 Lisbon Street, (Music Hall/Frye Block)
80-84 Lisbon Street
96-108 Lisbon Street, (Evans Ehrefried Building)
110 Lisbon Street, (Lamey-Wellehan Building)
112-114 Lisbon Street, (Singer Building)
113 Lisbon Street, (Grant's Building)
117-119 Lisbon Street, (Supovitz Brothers Building)
124-130 Lisbon Street, (Sands Building)
127-129 Lisbon Street, (Osgood Building)
130 Lisbon Street, (Call Building)
133 Lisbon Street, (First McGillicuddy Block)
140 Lisbon Street, (People's Savings Bank Building)
145 Lisbon Street, (First Manufacturer's National Bank Building)
152 Lisbon Street

160-166 Lisbon Street, (Second McGillicuddy Building)
168 Lisbon Street
179 Lisbon Street, (Montgomery Ward Building)
180 Lisbon Street, (Ellard Building)
182-188 Lisbon Street, (Odd Fellows Block)
191-193 Lisbon Street
192-194 Lisbon Street, (Garcelon Building)
195 Lisbon Street
196-208 Lisbon Street, (Pilsbury Block)
199 Lisbon Street, (The Scruton Block)
215 Lisbon Street, (The Savings Bank Block)
220-226 Lisbon Street, (Atkinson Building)
223-225 Lisbon Street, (Le Messenger Building)
230-234 Lisbon Street
239 Lisbon Street
240-242 Lisbon Street
243-245 Lisbon Street
244-248 Lisbon Street
249 Lisbon Street
250-274 Lisbon Street, (Lisbon Block/College Block)
255-259 Lisbon Street
263-267 Lisbon Street, (The Martel's Pharmacy Building)
276 Lisbon Street, (First Callahan Block)
277 Lisbon Street, (Institut Jacques Cartier Building)
282 Lisbon Street, (Second Callahan Block)
291-297 Lisbon Street, (The Centennial Block)
331-335 Lisbon Street
337 Lisbon Street
339-341 Lisbon Street, (J. Bureau Building)
347 Lisbon Street
351-353 Lisbon Street, (The Dulac Building)
379 Lisbon Street, (The Lord Block)
389 Lisbon Street
383 Lisbon Street, (The V. Palange Building)
391 Lisbon Street
157-163 Main Street and 2-10 Lisbon Street, Central Block/First National Bank Building
181-193 Main Street
195-205 Main Street (and 5 Park Street)
217 Main Street, Clifford Block
238-240 Main Street
249 Main Street, (Bonnalue Block)
90 Middle Street
103 Park Street, (Knights of Columbus Building)

REASONS FOR THE PROPOSED AMENDMENT

On October 4, 2018, the National Park Service, Department of the Interior entered the Lisbon Commercial Historic District in the National Register of Historic Places. This designation expanded a small portion of the Lisbon Commercial Historic District that had been created back in 1985. Now that the district is official, it needs to be added to Article XV. Significant Buildings and Districts as a text amendment. The new district is also being added to the city's GIS mapping and on-line parcel viewer.

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

This proposed text amendment is in conformance with the 2017 Legacy Lewiston Comprehensive Plan.

Chapter on Celebrate History, Arts and Culture (Page 182)

"Protecting and enhancing Lewiston's historic and cultural resources, and celebrating the community through art and creative expression, rose to the top as key priorities for the City. Citizens united around the idea of protecting neighborhoods, the downtown, landmark buildings, and other historic structures throughout the City (The term "historic" may not necessarily refer to "historically significant" or National Register designated buildings, but instead as long-standing buildings that represent an important part of the City's past or exemplify a historic architectural period). It was widely understood by participants that these assets should be a centerpiece of Lewiston's rebirth and competitive advantage within the region, acknowledging that entrepreneurs looking for an opportunity to participate in a local renaissance, are drawn to the kind of place where they can invest and make a difference."



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board

FROM: Douglas Greene, AICP, RLA; Deputy Director/City Planner

DATE: May 13, 2019

RE: Text Amendment for the Lisbon Street Commercial Historic District

On October 4, 2018, the National Park Service, Department of the Interior entered the Lisbon Street Commercial Historic District in the National Register of Historic Places. This designation expanded the existing portion of the Lisbon Street Commercial Historic District that was created back in 1985.

Now that the expanded Lisbon Street Commercial Historic District has been made official, its description and list of contributing structures needs to be added to Article XV, Significant Buildings and Districts as a text amendment. The Staff has prepared a draft text amendment that lists the contributing buildings and describes the new district boundary. The new district will also be added to the city's GIS mapping and on-line parcel viewer.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council

FROM: Douglas Greene, City Planner

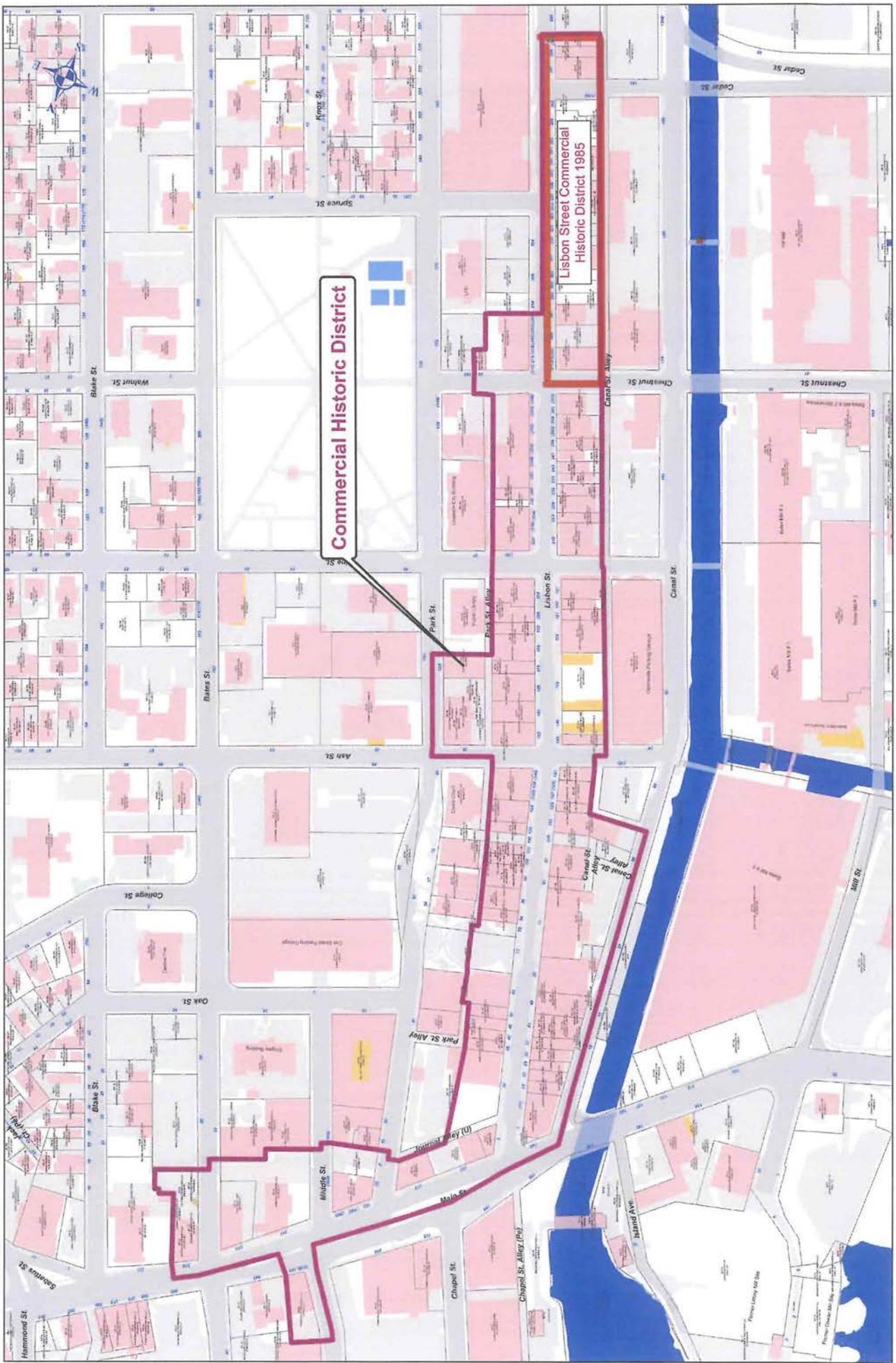
DATE: May 21, 2019

RE: **Planning Board Recommendation: Text Amendment for Lisbon Street Commercial Historic District to Article XV, Historic Buildings and Districts**

The Planning Board took the following action at their meeting held on May 13, 2019:

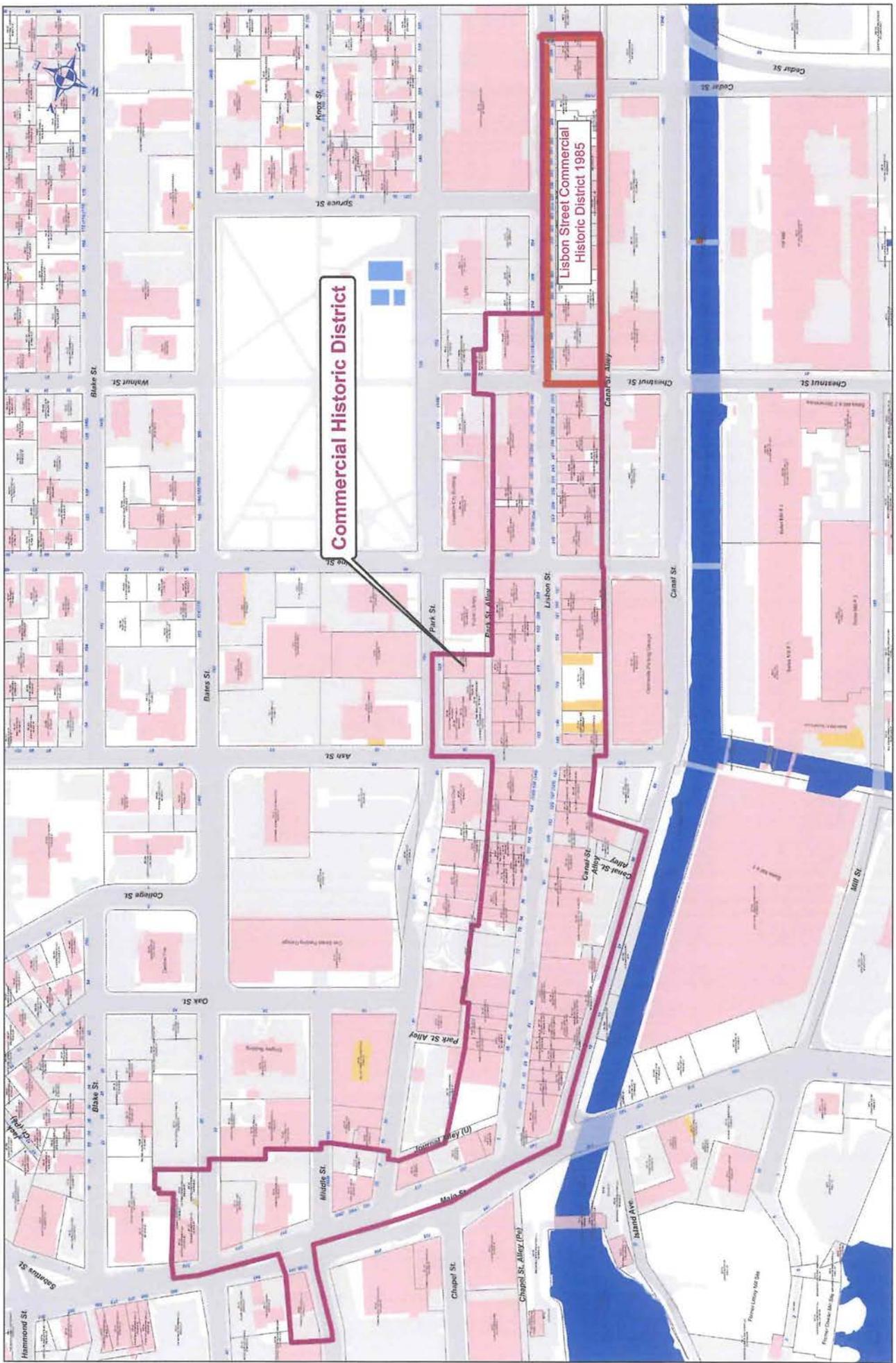
MOTION: by **Benjamin Martin**, pursuant to the Zoning and Land Use Code, Article VII, Sections (c) and (i) and Article XVII, Section 5, to send a favorable recommendation to the City Council for the text amendment to Article XV, Significant Buildings and Districts to expand the Lisbon Street Commercial Corridor Historic District with a condition that the district be referenced as the Lisbon Street Commercial Historic District. Second by **Lucy Bisson**.

VOTED: 6-0 (Passed)



Commercial Historic District

Lisbon Street Commercial Historic District 1985



LEWISTON CITY COUNCIL
MEETING OF MAY 21, 2019

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 7

SUBJECT:

Public Hearing and Adoption of the FY2020 Lewiston Capital Improvement Program Bond Issue Order.

INFORMATION:

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

The projects being bonded are in accordance with the Capital Improvement Program adopted by the City Council earlier this year and revisions based on discussions during budget deliberations or changes due to new information on the cost of the projects for funding. The total cost of the Bond Issue is \$16,703,000 and includes over 20 various projects and programs.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/KMM

REQUESTED ACTION:	1	2	3	4	5	6	7	M
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To adopt the FY2020 Lewiston Capital Improvement Program Bond Issue Order authorizing the issuance of \$16,703,000 in FY2020 Public Improvement Bonds and making an appropriation for certain capital projects.

LCIP Bond Issue Order

Order, Authorizing the Issuance of \$16,703,000 in FY2020 Public Improvement Bonds and Making an Appropriation for Certain Capital Projects.

ORDERED, That \$16,703,000 be appropriated for financing the following FY2020 projects in the Lewiston Capital Improvement Program:

<u>Project</u>	<u>Amount</u>
CITY:	
Construction of New Fuel Farm	400,000
Radio Replacement Project	1,598,000
Radio Project - Lewiston's Mobile & Portable Radios	439,000
Radio System Site Connectivity	22,500
Fire Alarm Box & Station Alerting	37,500
Riverfront Island Implementation	350,000
Sabattus St. Fire Substation	2,000,000
Birch, Caron, & Jefferson Streets Sidewalk Rehabilitation	350,000
Street Crosswalk Evaluation & Implementation Plan	200,000
Sidewalk Maintenance & Rehabilitation	361,000
Street Maintenance Program	2,879,000
MDOT 1 - Main Street - Longley Bridge to Pettingill Street	242,000
	<u>8,879,000</u>
SCHOOL DEPARTMENT:	
Lewiston Middle School Electrical Upgrade	456,000
Montello School Electrical Upgrade	330,000
System Wide Camera System Upgrade	238,000
Building Access Controls System Upgrade	100,000
	<u>1,124,000</u>
WATER FUND:	
Water Software Model & Master Plan Update	200,000
L.A. Water Treatment Program - Contingency Need	1,200,000
Distribution Main Replacement	2,000,000
	<u>3,400,000</u>
SEWER FUND:	
Sanitary Sewer Mains Rehabilitation	1,100,000
Collection System Inspection & Rehabilitation	480,000
Chadbourne Road Sewer Pump Station Replacement	200,000
	<u>1,780,000</u>
STORM WATER FUND:	
Hart Brook Water Quality Restoration	350,000
Storm Drain Inspection	370,000
Jepson Brook Channel Upgrades	800,000
	<u>1,520,000</u>
TOTAL	<u><u>16,703,000</u></u>

FURTHER ORDERED, That to meet this appropriation, \$16,703,000 shall be raised by Public Improvement Bond Issue(s);

FURTHER ORDERED, That the City Council instruct the Finance Director to advertise for bids for \$16,703,000 or increments thereof, Public Improvement Bonds; to award the loan; and to employ Locke Lord LLP to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

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

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

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

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

LEWISTON CITY COUNCIL

MEETING OF MAY 21, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT: Resolve, Renewing and Extending the Mutual Cooperation Agreement between the City of Lewiston and the City of Auburn to Form a Consortium under the federal HOME Investment Partnership Program

INFORMATION:

The HOME Investment Partnerships Program (HOME) is a program administered by the Department of Housing and Urban Development (HUD) that provides grants to States and localities to fund affordable housing activities. Under the HOME regulations, Lewiston does not qualify to receive HOME funds; however, those rules allow neighboring communities to join together and receive a shared allocation. Lewiston and Auburn created such a consortium in 2001, and the agreement to do so has been renewed every three years since then.

The Lewiston Auburn HOME Consortium agreement must once again be renewed this year. The attached resolve would do so. Note that the agreement is the same as the one we are currently operating under.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

Erin Blum

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Renewing and Extending the Mutual Cooperation Agreement between the City of Lewiston and the City of Auburn to Form a Consortium under the federal HOME Investment Partnership Program

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Renewal of HOME Consortium Agreement
Date: May 14, 2019

The HOME Investment Partnerships Program (HOME) is a program administered by the Department of Housing and Urban Development (HUD) that provides grants to States and localities to fund affordable housing activities including building, purchasing, and/or rehabilitating housing for rent or homeownership or providing direct rental assistance to low-income people. In most cases, HOME is distributed to states and municipalities on a formula basis similar to Community Development Block Grant (CDBG) funds.

When communities do not qualify for an individual allocation under the formula, they have the option to join with one or more neighboring localities in a legally binding consortium whose members' combined allocation would meet the threshold for direct funding. Lewiston and Auburn entered into such a consortium beginning in 2001. It has been renewed every three years since. Auburn's Community Development Department is the lead organization administering the grant. Out of the 10% permitted under HUD regulations for administration of the HOME grant, Auburn receives 7% and Lewiston receives 3%.

In recent years, Lewiston has primarily used its funds to support affordable rental housing development including: The Lofts at Bates Mill, Healey Terrace, The Hartley Block, and Raise Op's most recent Co-Op housing project. The funds are also used to provide a 5:1 match of public dollars to private dollars saved by qualifying low income homebuyers toward the purchase of their primary home under a Home Savings Account established under the consortium, as well as down payment loans of up to \$15,000. Lewiston also uses HOME to capitalize homeowner rehab loans, security deposit loans for the homeless, and has the recently launched the Success at School program that will provide rental assistance to families that, but for the assistance, would have to relocate and move their children to another school district.

As with other federal programs, funding for HOME has been reduced over time. Historically, we annually received approximately \$600,000, which was roughly split between the two cities for eligible projects. In recent years, the two communities received a total of between \$323,000 and \$517,000 in HOME funds. In FY20 the Consortium was awarded a \$442,773 allocation.

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In order to continue receiving funds under the consortium, Lewiston and Auburn formally submit to HUD their intent to renew the consortium every three years. The consortium is due for renewal in July 2019. In order to certify our participation, the City Council is being asked to adopt a resolve stating our intent to take part in the consortium for another three years (Federal Fiscal Years 2019, 2020, and 2021; City FY2020-2023); and to authorize the City Administrator to enter into a consortium agreement with the City of Auburn for a corresponding period. With authorization to proceed from both City Councils, Auburn will submit the formal renewal application to HUD.

Requested Action

To adopt the Resolution to renew the Home Investment Partnership Consortium with the City of Auburn and to authorize the City Administrator to execute the Mutual Consortium Agreement and any other documents necessary to effect Lewiston's participation in the Consortium. The consortium agreement is attached. It defines the roles and responsibilities of each member of the consortium.



CITY OF LEWISTON, MAINE

May 21, 2019

COUNCIL RESOLVE

RESOLVE, Renewing and Extending the Mutual Cooperation Agreement between the City of Lewiston and the City of Auburn to Form a Consortium under the federal HOME Investment Partnership Program

WHEREAS, The City of Lewiston is committed to providing high quality, affordable and mixed income housing throughout the City; and

WHEREAS, HOME Investment Partnerships Program funds from the U.S. Department of Housing and Urban Development are specifically targeted for the provision of quality affordable housing; and

WHEREAS, While desiring to access these funds, neither Lewiston nor Auburn qualify to receive their own allocation of these funds;

NOW, THEREFORE, Be It Resolved by the Lewiston City Council that the City Administrator is hereby authorized to sign the Mutual Cooperation Agreement to renew a Consortium between the City of Lewiston and the City of Auburn in order to access funds under the HOME Investment Partnerships Program as administered by the U.S. Department of Housing and Urban Development.

AL (AUBURN-LEWISTON) CONSORTIUM

**MUTUAL COOPERATION AGREEMENT
TO FORM A CONSORTIUM UNDER THE
HOME INVESTMENT PARTNERSHIPS PROGRAM**

MUTUAL COOPERATION AGREEMENT made this day of May , 2019, by and between the City of Auburn and the City of Lewiston (units of general local government) organized and existing under the laws of the State of Maine.

WHEREAS, the Congress of the United States of America has enacted the Cranston-Gonzalez National Affordable Housing Act, HOME Investment Partnerships Program; and

WHEREAS, the U.S. Department of Housing and Urban Development (hereinafter, "HUD") has promulgated regulations, notices, and requirements as now or hereafter in effect, allowing units of general local government to enter into mutual cooperation agreements to form a consortium or continue an existing consortium for the purpose of obtaining funding as a participating jurisdiction under the HOME Investment Partnerships Program (hereinafter, "HOME Program"), and

WHEREAS, the signatory units of general local government intend hereby to establish a consortium to cooperate in undertaking or assisting in pursuing housing assistance activities through the HOME Investment Partnerships Program, as it may be amended, and

WHEREAS, the signatories to this agreement agree to comply with all requirements of HUD regulations and requirements as now or hereafter in effect for eligibility to participate to the maximum extent possible in the HOME Program to create or improve affordable housing for their low and moderate income residents.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties to this agreement do agree as follows:

SECTION 1 - DEFINITIONS

- a. "Member" means a unit of local government that is a signatory to this Agreement and therefore a member of the Consortium for the purpose of carrying out eligible activities under HUD regulations and requirements as now or hereafter in effect.
- b. "Representative Member" means a unit of local government designated hereafter as the one member to act in a representative capacity for all members for the purposes of this Agreement, as defined in HUD regulations and requirements as now or hereafter in effect.
- c. "Subrecipient" is a public agency or non-profit selected by the member to administer all or a portion of the member's HOME Program.

- d. “Consolidated Strategy and Plan” means a Consolidated Plan, as defined in HOME Program Regulation 92.2 and required by HUD regulations and requirements as now or hereafter in effect.
- e. “CHDO” means a Community Housing Development Organization, as defined in HUD regulations and requirements as now or hereafter in effect.
- f. “HUD Regulations and Requirements” means those HUD regulations and requirements which are applicable to the HOME Investment Partnerships Program.
- g. “Commitment” means the member has executed a legally binding agreement with a recipient or a subrecipient to use a specific amount of HOME funds to produce affordable housing or provide tenant-based rental assistance; or has executed a written agreement reserving a specific amount of funds to a community housing development organization; or has met the requirements in the regulations to commit to a specific local project, including project underwriting according to Notice CPD-15-11 or other HOME Investment Partnerships guidance with respect to project/program review.
- h. “Program Income” means gross income received by the member or subrecipient directly generated from the use of HOME funds or matching contributions. When program income is generated by housing that is only partially assisted with HOME funds or matching funds, the income shall be prorated to reflect the percentage of HOME funds used.

SECTION 2 - DESIGNATION OF REPRESENTATIVE MEMBER; POWERS AND DUTIES OF REPRESENTATIVE MEMBER

- a. The City of Auburn, acting through its Community Development Director for the Community Development Department, hereinafter Consortium Administrator, will be designated as and agrees to assume overall responsibility as the Representative Member for this consortium for the purposes of the HOME Program, in compliance with HUD HOME Program statutes, regulations, and instructions, now or hereafter in effect, for the duration of this Agreement.
- b. The Representative Member shall have access to all Member records related to the use of HOME program funds for the purpose of ensuring compliance with HUD regulations.
- c. The Representative Member shall establish and maintain the local HOME Investment Trust Fund required by HUD regulations and requirements as now or hereafter in effect.
- d. The Representative Member shall establish, with the prior consent of the Member units, such administrative procedures as may be necessary to facilitate the application for and distribution of HOME program funds.
- e. Representative Member may provide technical assistance to the Members upon request. Said assistance shall not relieve each Member from compliance with all relevant HOME regulations, nor unduly burden the Representative Member.

- f. The Representative Member may withdraw funds from the HOME Investment Trust Fund for a particular Member or Member's project only upon receipt of a written requisition signed by the Member requesting the disbursement.
- g. The Representative Member may amend this Mutual Cooperation Agreement on behalf of the consortium to add new members to the consortium. When members are added, the funding formula shall be revised and agreed upon by all Members including the new Member.

SECTION 3 - DUTIES OF MEMBER UNITS OF LOCAL GOVERNMENT

- a. Each Member agrees to cooperate in undertaking or assisting in the pursuit of housing assistance activities for the HOME Investment Partnerships Program.
- b. The Consortium collectively acting through its Representative Member and each of its Members, acting through its Community Development Director (or other individual designated by each Member's chief executive officer), agrees to carry out eligible activities in accordance with the requirements of HUD regulations and requirements as now or hereafter in effect.
- c. Each Member shall be responsible for obtaining the necessary local approvals for acceptance and allocation of HOME program funds.
- d. Each Member shall be responsible for submitting to the Representative Member all information necessary for participation in the consortium as defined in HUD regulations, requirements, and schedules as now or hereafter in effect. This includes, but is not limited to, information necessary for the Consolidated Plan, Annual Plan, description of the use of HOME funds, the HOME Program Description including tasks to be performed, a schedule for completing the tasks, budget, and certifications, HOME Agreements executed with subrecipients, and performance reports.
- e. Each Member shall be responsible for obtaining matching funds or matching fund credits for all of its projects as required by HUD regulations and requirements as now or hereafter in effect.
- f. Project Management.
 - (i) Each Member shall be responsible for project management and shall perform all procedures and tasks necessary to develop, design, implement and monitor each specific project and shall fully comply with uniform administrative requirements as stated in HOME Program regulation 92.505. The Member shall describe how each proposed project and site satisfy all applicable HOME Program regulations and the requirements of this Agreement and shall record these determinations in each project/site file together with an official approval memorandum signed by Member's responsible HOME Program staff. For multiple site programs the Member shall provide the proposed program guidelines and any amendments to the same to the Representative Member for review.
 - (ii) Unless agreed to in advance, Members shall be responsible to utilize Community Housing

Auburn Lewiston HOME Consortium – Mutual Cooperation Agreement
Development Organization (CHDO) reserve on an annual basis.

- (ii) Members shall assure that its share of the -24-month commitment requirement under the HOME Investment Partnerships Program regulations is met. Once projects are committed, each Member shall submit a commitment letter with the Consortium.

SECTION 4 - FUNDING

a. The Representative Member shall be entitled to an amount of 4% of HOME Program funds for administration of the Consortium which shall be deducted from the annual allocation. Each Member will then share the remaining 6% for administration funds permitted under the cap allowance pro-rata in relation to the percentage of HOME Program funds received by each member annually.

b. After the set aside for administration, each Member will share equally HOME Program funds allocated to the Consortium each year. A Member may voluntarily relinquish a portion or all of its HOME allocation, in writing, to another Member of the Consortium.

c. HOME funds will be deposited into and disbursed from the Consortium HOME Investment Trust account established by the Representative Member consistent with HOME Program regulation 92.500 the HOME Investment Trust Fund and 92.502 Program disbursement and information system. All loan repayments, interest, or other returns on investments shall be deposited into this account on a quarterly basis.

d. Reservation of HOME Funds.

- (i) Each Member shall be responsible for establishing its own projects and meeting its 50% share of the mandatory 24-month commitment of funds according to 92.500(d)(1) of the HOME rule and CPD-15-09. In January of each year, Representative Member shall communicate in writing with Member the status of the required commitment, and each shall identify in writing how commitment shares will be met. In May of same year, if either Member or Representative Member has not met the required level of commitment, then Member or Representative Member shall offer the uncommitted amount to the other, who may or may not accept responsibility for committing these funds. There will be no obligation to accept or repay a transfer of funds. If transfer is not accepted by Member or Representative Member and funds are lost, then the loss shall remain with the original Member or Representative Member.

(iii)Project Set-Up in IDIS. Each Member may request that the Representative Member "set up" in the federal Integrated Disbursement and Information System (IDIS) or any successor system, i.e. establish an activity and reserve funds for each particular site or eligible activity, after meeting all the requirements of the Mutual Cooperation Agreement.-.

- (ii) Member shall forward a Set-Up Request in writing to the Representative Member, enclosing a

HUD Project Set-Up Report together with the Auburn-Lewiston Consortium Project Compliance Checklist (AL Checklist), completed through the project initiation stage. -The Representative Member will not establish an activity in the IDIS System if one or more of the following conditions occur: HUD Set-Up Report is incomplete; the data on the HUD Set-Up Report or other site data are inconsistent with HOME Program requirements;-; there is no evidence of local project approval; the environmental review requirements have not been met; or there is incomplete project underwriting.

(iv)The Representative Member agrees to provide the Member - with HOME Program funds in the amounts as stated in the executed HOME - Agreements, as they may be amended from time to time, for the purposes described in said - Agreements, provided that the Member has complied with all requirements of the HOME Program and this Agreement.

e. HOME Agreements.

(i) Prior to disbursing HOME Program funds each Member shall enter into a HOME agreement with the recipient including all provisions described in HOME Program regulation 92.504, or its successor.

(ii) The Member shall include in each such HOME agreement additional provisions as may be required by HUD and such reasonable requirements as may be requested by the Representative Member consistent with HOME Program regulations and this Agreement.

f. Review of Project Funding Instruments. Members shall transmit any proposed funding instruments and agreements to the Representative Member for review consistent with the applicable Consortium guidelines, as they may be amended from time to time. Once guidelines and funding instruments have been approved by the Representative Member, the Member may execute such funding instruments without further review by the Representative Member. Each Member must keep originals or certified copies of all case-specific funding instruments and related documents in project files.

g. Expenditures. The Member shall meet the principles and standards of cost allowability stated in the current OMB Circular A-87, "Cost Principles for State and Local Governments."

h. Processing and Release of Project Funds.

(i) Pre-Release Requirements.

(A)Funding Instruments. HOME - Agreement and funding agreements with subrecipients must be executed prior to set-up and/or drawdown. Closing documents with recipients must be executed or a specific closing scheduled prior to drawdown. No funds will be authorized or released for work done prior to the effective date of this Agreement and the applicable Consortium-Member HOME - Agreement.

(B)Environmental clearance. A Release of Funds, if applicable, must have been received

Auburn Lewiston HOME Consortium – Mutual Cooperation Agreement
from HUD for this project or activity.

(C) Set-up Request. The site shall be set-up in the HUD IDIS system as provided in Section 4 - Funding, paragraph d, herein.

(ii) Disbursement Procedure. The Representative Member shall draw down and release HOME funds on a reimbursement or “pay as you go” basis to the Member or on behalf of the Member to such designated subrecipient, vendor or other recipient as mutually approved by the Representative Member and Member consistent with the following procedure:

(A) Invoice. An invoice requesting payment shall be submitted to the Representative Member on a quarterly basis by the entity to be paid or reimbursed. Invoices must appear on the letterhead of the entity or another standard invoice form approved by the Representative Member, be signed by an individual authorized by the entity, and be submitted by the 15th day of the month immediately following each quarter-Requests for payment shall be limited to the amount currently needed for the payment of eligible costs consistent with HOME Program regulation 92.504(c)(2)(vi), corresponding to expenses already having been paid by the City of Lewiston. Requests for payment shall include:

- 1) An invoice detailing the amount being requested for reimbursement against the established budget signed by the program manager;
- 2) All pertinent back-up documentation for the charges including payroll records, time sheets, financial expense reports, and copies of source documentation; and
- 3) A spreadsheet that ties the invoice to the expense report including a summary the salary expenses by project.

(B) Approval by Member. Each invoice submitted shall have been reviewed and approved by the Member for accuracy, quantity and quality of work, materials or services provided, consistency with contractual terms, and compliance with all applicable HUD and HOME Program regulations. As required by HOME Program regulation 92.504(c)(2)(vi) the Member shall limit the requested disbursement of project funds to the amount presently needed for payment of eligible costs.

(D) Processing Requisition and Checks. The Representative Member will process all approved requisitions for payment in a manner consistent with Auburn accounts payable procedures. Incomplete or non-conforming requisitions will be returned to the Member. Checks will be mailed to the designated payee unless alternative arrangements have been made with the Representative Member.

(E) General. The Representative Member reserves the right to modify procedures herein as needed to comply with HUD and Auburn requirements. In such case, advance notification will be provided to the Members. Considerations unique to specific projects including but

not limited to construction retainage, contingencies, retainage for compliance, and other aspects will be addressed on a case by case basis in a manner mutually acceptable to the Representative Member and Member and shall be described by the Member in a specific Project Description and attached to a HOME Project Funding Agreement.

i. Reversion of Assets. Upon expiration of this Agreement, each Member shall transfer to the Consortium HOME Investment Trust any HOME funds on hand at the time of expiration and accounts receivable attributable to the use of HOME funds per HOME Program regulations 92.503 and 92.504(c) and HUD Notice CPD 97-09. In the event the Consortium is dissolved, HOME funds and receivables shall remain in the custody of the Member, unless otherwise provided by HUD.

SECTION 5 - SETASIDE FOR COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS

Each Member is responsible for reserving not less than 15 percent of its HOME funds for investment only in housing to be developed, sponsored, or owned by community housing development organizations (CHDOs), in accordance with the Consortium's Program Administration Guidelines and HOME Program regulations 92.300 - 92.303, as they may be amended from time to time. If one Member is able to fulfill the entire amount of this requirement, the other Member will not be required to also have a CHDO project. Members will coordinate this by January of each year prior to submission of the Annual Action Plan.

SECTION 6 - TERM OF AGREEMENT AND RENEWAL

a. This Agreement shall commence on July 1, 2019 and remain in effect during the period necessary to complete all activities funded by Federal Fiscal Year (FFY) 2019, -2020, and -2021 HOME Program grants or until the Consortium's status as a participating jurisdiction in the HOME Program is revoked by HUD, whichever occurs first. Members of the Consortium agree to a program year of July 1 to June 30 for the purposes of HOME.

b. Nothing in this Agreement obligates a Member to become a signatory to a future agreement to continue the Consortium for HOME Program grants subsequent to FY-2021. Each Member shall notify the Representative Member at least 60 days before the effective date of such future agreement if it intends not to become a signatory. Notwithstanding the foregoing, if the following FFY grant information is not available 60 days before the effective date, a Member shall use best efforts to notify the Representative Member as soon as possible after it receives the grant information.

SECTION 7 - REPAYMENT OF FUNDS AND PENALTIES

a. Repayment of HOME Funds to HUD. In the event that HUD requires the Representative Member to repay HOME funds disbursed to the Consortium for failure to meet affordability requirements as set forth in applicable HUD regulations, or for any other reason, each Member shall reimburse the Representative Member for the amount of funds required to be repaid on account of that Member's use of HOME funds. Consistent with the foregoing, the Representative Member, when acting as a Member

shall remain solely liable to HUD for repayment of HOME funds originally awarded to the Representative Member, if required on account of the Representative Member's use of such HOME funds as a Member.

b. Cancellation. Each Member agrees to repay the Consortium HOME Investment Trust all HOME funds released to the Member attributable to a project in the event such project is cancelled for any reason. Such repayment shall be made within the time period specified by HUD or other reasonable time period agreed to by the Representative Member.

c. Violations. Each Member who continues to violate any HOME Program regulation, provision of this Agreement, or provision of a HOME - Agreement, after having an opportunity to cure, shall repay to the Consortium HOME Investment Trust Account any HOME funds disbursed directly to recipients or subrecipients, with respect to the site or sites where the violation has occurred, or such amount as HUD determines.

d. Penalties.

(i) **Member.** Each Member shall reimburse the Representative Member the full amount of any penalties assessed against the Representative Member by HUD as a result of that Member's use of HOME funds pursuant to this Agreement.

(ii) **Representative Member.** The Representative Member shall reimburse the Consortium the full amount of any penalties assessed against the Consortium by HUD as a result of the Representative Member's failure to comply with HUD regulations.

e. Restriction on Future Funds. The Representative Member may withhold and restrict a Member's access to HOME funds if the Member fails to cure a violation, fails to repay HOME funds or fails to pay the penalties provided for above. Funds withheld in the amounts necessary to repay HOME funds or penalties should be charged against the Member's HOME funds in the following order:

(i) First against the funds for the project or projects in which the violation occurred or which are the subject of dispute between the Representative Member and Member;

(ii) Second against any other HOME funds allocated to the Member in the same fiscal year;

(iii) Finally against HOME funds allocated to such Member in future fiscal years.

If HUD subsequently determines that no violation has occurred, the Representative Member shall make the withheld funds available to the Member for HOME projects. Otherwise such funds are retained for the benefit of the Consortium or in the case of penalties to reimburse the Representative Member or Consortium as the case may be.

SECTION 8 - OPPORTUNITY TO CURE OR DISPUTE VIOLATIONS, LEGAL RECOURSE AND INDEMNIFICATION

a. Opportunity to Cure. The Representative Member shall provide a written notice to a Member of the violation of any provisions of this Agreement-, or applicable HUD regulations. The notice shall set forth a description of the violation, the steps which must be taken to cure the violation and a reasonable time period established by mutual consent of the parties within which to effect the cure. However, if the parties are unable to agree to a deadline for full compliance, the Representative Member shall establish said deadline. The Representative Member may extend the time for cure if the Member proves its failure to cure was for circumstances beyond its control.

b. Disputing a Violation. If the Member and Representative Member disagree as to whether a violation has occurred, either may request HUD' determination of whether a violation exists. The Member disputing the Representative Member's finding of a violation may expend the subject funds, subject to repayment, unless the Representative Member chooses to withhold the funds.

c. Legal Recourse. In the event that any Member, including the Representative Member acting in its representative capacity, fails to comply with this Agreement, -, or a HOME Program or other HUD regulation or finding or fails to cooperate with any other Member, the Representative Member or the Consortium in complying with a HUD finding, the Representative Member or any other Member may take any steps necessary to fulfill its obligations to HUD and under this Agreement, including but not limited to legal action.

d. Indemnification for Violations. Each Member shall hold harmless the Representative Member, the Consortium and the other Members from and against all claims for repayment of HOME project funds attributable to such Member's failure to comply with applicable HUD regulations, this Agreement, - and from penalties, costs and attorneys' fees related to such failure.

SECTION 9 - FAIR HOUSING

a. Each Member agrees to affirmatively further fair housing in accordance with applicable Federal Law, Consolidated Strategy and Plan and with 24 CFR 570.904(c).

b. Affirmative Marketing. The Representative Member shall adopt and implement an Affirmative Marketing Plan including affirmative marketing procedures for HOME assisted housing containing 5 or more housing units consistent with the requirements of HOME Program regulations 92.351. Each Member shall summarize these procedures in an affirmative marketing plan for each project. Documentation of action taken to carry out said site-specific plans shall also be placed in said files.

SECTION 10 – HOME/GENERAL PROVISIONS

a. Federal Regulations. The provisions of 24 CFR Part 92, HOME Investment Partnerships Program, Final Rule, 24 CFR Part 92 dated September 16, 2003 (hereinafter "HOME Program regulations") and all future amendments and revisions to the same are hereby incorporated into and made a part of this Agreement. The Representative Member and Members shall at all times comply with said HOME Program regulations, and shall comply with other related Federal and state statutes and regulations,

Executive Orders, OMB Circulars, and all future revisions and amendments to the same. The Members shall become thoroughly familiar with all of the foregoing requirements as applicable and shall ensure that all projects comply in all respects.

b. Environmental Review. The release of funds for all HOME assisted projects and activities is subject to environmental review as set forth in HOME Program regulation 92.352 and 24 CFR 58. Each Member shall prepare and provide to the Representative Member all information necessary to obtain Release of Funds from HUD and documentation to establish specific site clearance consistent with Consortium procedures.

c. Equal Opportunity. Each Member shall comply with all applicable Federal and State laws governing discrimination and equal opportunity. In particular, each Member shall ensure compliance with HOME Program regulations 92.350 and the following statutes and executive orders pertaining to Equal Opportunity: Fair Housing Act; Executive Order 11063 (Equal Opportunity in Housing); Civil Rights Act of 1964, Title VI (Nondiscrimination in Federally Assisted Programs); Age Discrimination Act of 1975; Rehabilitation Act of 1973, Section 504; Executive Order 11246 (Equal Employment Opportunity); Housing and Urban Development Act of 1968, Section 3; Executive Orders 11625 and 121432 (Minority Business Enterprise); Executive Order 12138 (Women's Business Enterprise).

d. Labor Standards. Each Member shall comply with and/or ensure compliance with all applicable state and federal labor laws, including but not limited to the Davis/Bacon Act, 40 U.S.C. 276a-5 et. seq., as applicable pursuant to HOME Program regulations 92.354. In particular, each Member shall comply with and/or ensure compliance with all applicable federal laws and regulations pertaining to labor standards and HUD Handbook 1344.1 (Federal Labor Standards Compliance in Housing and Community Development Programs), and all future amendments and revisions thereto. Each Member shall require certification as to compliance with the provisions of this paragraph as required by HOME Program regulation 92.354.

e. Records. Each Member shall maintain all applicable records for its project(s) consistent with HOME Program regulations 92.508 Record-keeping. In addition each Member shall make available copies of all such records as may be requested by the Representative Member for administration of the Consortium.

f. Reports. The Representative Member shall, on behalf of the Consortium submit such reports (with full and complete copies to the Member) as may be required pursuant to HOME Program regulations 92.509 Performance Reports. Each Member shall cooperate with the Representative Member in providing all data and information specific to each community and projects in such formats and time frame as required by HUD and the Representative Member. In addition, each Member shall prepare and submit to the Representative Member the project completion reports required by HOME Program regulation 92.502(d) Submission of project completion reports. This report shall be submitted to the Representative Member within 45 days of the final requisition for HOME funds together with a fully completed AL Consortium Project Compliance Checklist. Following review of the above for completeness, the Representative Member shall transmit the Project Completion Report on behalf of the Consortium to HUD as required by 92.502(d).

g. Religious Organizations. Each Member shall ensure that HOME funds are not disbursed to a primarily religious organization as prohibited by HOME Program regulations 92.257. In addition, each Member shall comply with the provisions of the above regulation with respect to assisting wholly secular organizations established by religious organizations which may be eligible to participate in HOME funded projects.

h. Conflict of Interest.

(i) In accordance with HOME Program regulation 92.356, the procurement of property and services by the Consortium, its Members and subrecipients is governed by the conflict of interest provisions stated in 24 CFR 85.36 and 24 CFR 84.42. Each Member shall comply with all applicable federal and state conflict of interest rules and shall endeavor to ensure the compliance with the same by all subrecipients as defined in HOME Program regulations 92.2 or other persons designated to receive HOME funds pursuant to this Agreement. At a minimum, each Member shall make a copy of all applicable conflict of interest provisions available to all recipients of HOME Program funds.

(ii) The conflict of interest provisions of part (i) of this section shall apply to the following persons: any person who is an employee, agent, consultant, officer, elected or appointed official of the Representative Member, or of the Members designated herein, or any state recipient, or subrecipient of HOME funds. None of the foregoing who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a financial interest or benefits from a HOME assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Any exceptions to the conflict of interest provisions stated or cited herein must be approved by HUD in accordance with HOME Program regulation 92.356(d). Each Member shall advise the Representative Member in writing as to any such exceptions granted by HUD.

i. HOME Project Requirements. Each Member shall perform and carry out the projects as described in the Consolidated Plan and Annual Action Plan approved by HUD during the period covered by this Agreement and funded pursuant to Consortium-Member HOME -Agreements consistent with specific Project Descriptions and in compliance with the requirements of HOME Program regulations Subpart F, Project Requirements, as applicable, depending upon the type of project assisted. Each Member shall comply with requirements contained in Subparts E and F specifically in HOME Program regulations 92.205 to 92.215 concerning eligible and prohibited activities, income targeting requirements in regulations 92.216 and 92.217, unit subsidy limits, and all other applicable requirements stated in regulations 92.250 through 92.258. Written agreements executed with a subrecipient or other entity shall contain provisions requiring compliance with the regulations cited herein.

j. Ownership, Use, and Disposition of Property. Each Member shall comply with the affordability provisions referenced in HOME Program regulations 92.252 - 92.256, as applicable, which include income targeting, use requirements, initial and subsequent sale restrictions. For rental projects assisted with HOME funds, each Member shall require that the affordability requirements of HOME Program regulation section 92.252 be enforced by deed restriction or by restrictive covenants running with the land in accordance with HOME Program regulation 92.252(e). If a Member fails to comply with any of the requirements of this provision, the Member shall be required to repay HOME funds disbursed pursuant to this Agreement, consistent with HOME Program regulation 92.503(b).

k. Post-Completion Requirements. Upon completion of a project, each Member shall enforce all applicable short and long-term special requirements. Such requirements include, but are not limited to: compliance with housing affordability requirements (see HOME Program regulations 92.252 – 92.255 and 92.504(c)), and compliance with the Housing - Standards (see regulation 92.251 and 92.504(c)&(d)). Each Member shall require owners of HOME assisted housing to comply with the requirements stated above and all applicable requirements for the duration of the applicable period of affordability and shall incorporate such time period into the duration of agreements executed with recipients of HOME funds. Prior to the anticipated completion date for each site, each Member shall prepare a plan for each post-completion enforcement responsibility by site and shall include such plans in each site file. Each file shall include a Certificate of Final Inspection indicating compliance with applicable housing standards. Each Member shall notify the Representative Member of compliance with this requirement by completing the Post-completion Plan item on the ALConsortium Project Compliance Checklist for each site.

l. Other Federal Regulations and Provisions. Each Member shall comply with Federal regulations incorporated in HOME Program regulation Subpart G, sections 92.300 through 92.303, Subpart H, sections 92.350 through 92.357, and all other applicable HOME regulations as well as all project requirements per this Agreement, provided that a Member's responsibilities with respect to environmental review contained in Subpart H shall be as stated in SECTION 10 – HOME GENERAL PROVISIONS, paragraph b., Environmental Review above.

m. Lead-Based Paint. Each Member shall remain solely responsible for ensuring that all projects at all times comply with applicable requirements of the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4821, et, seq.; Lead-Based Paint Regulations 24 CFR Part 35 and all future revisions and amendments to the same. Each Member shall also ensure that all projects comply with such Lead-Based Paint regulations as may be adopted pursuant to HOME Program regulation 92.355, and with the applicable requirements of the Maine Lead Paint Statute, and all future revisions and amendments to the same.

n. Audit and Monitoring.

- (i) General.** Consortium and Member records shall be audited consistent with 24 CFR 44 (OMB A-128; Government entities) and non-profit subrecipient records shall be audited consistent with OMB A-133. Each Member shall be responsible for the cost of all audits performed on its records and operations pursuant to this section and may use designated HOME administrative funds. Other entities shall be responsible for the cost of their audits,

respectively, and shall not use HOME funds for any portion of the cost of such audits unless expressly approved by a Member and included as an authorized cost in the Project Budget. Each Member and/or its subrecipient shall make available all such records and documents as requested by the Representative Member, HUD, and/or the Comptroller General of the United States. Such parties may examine and make copies, excerpts or transcripts from such records and may audit all contracts, procurement records, invoices, materials, payrolls, personnel records, conditions of employment, and all documents relating to all matters covered by this Agreement.

- (ii) HUD Performance Reviews and Monitoring. HUD may conduct performance reviews and monitoring of the Consortium and of the Members as provided in HOME Program regulations 92.550 - 92.552. Each Member agrees to cooperate with HUD and the Representative Member to undertake such remedial action as may be required pursuant to HOME Program regulation 92.551, Corrective and remedial actions.

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- (iii) Monitoring. Each Representative Member and Member shall each monitor their own recipients- to ensure full compliance with all applicable requirements. All monitoring shall be performed in accordance with applicable HUD monitoring guidelines and on forms agreed to by the Representative Member and Member. Monitoring shall occur between January and June of even years starting with 2018. Representative Member and Member - shall be responsible to follow through to resolve and clear any monitoring findings with respect to their own projects.
- (iv) In January of each year in which monitoring is scheduled to occur, Member and Representative Member shall determine who will undertake monitoring of Member recipients. Member and Representative Member shall state their intentions in writing. If either Member is unable to complete monitoring by June 30 of that same year, then Representative Member shall take responsibility for monitoring and charge Member for the time spent on monitoring to its completion at the cost based on the current hourly rate of pay and fringe benefit costs for the staff(s) undertaking the effort.

o. Indemnification.

- (i) Disclaimer. Each Member shall hold harmless and defend the Representative Member, the Consortium, and the other Members from and against all claims arising from any latent, or patent defects in any work performed or services provided with respect to each Member's projects pursuant to this Agreement and any duly executed Consortium-Member HOME - Agreement.
- (ii) Indemnification. Each Member shall indemnify, hold harmless and defend the Representative Member, the Consortium, and its agents, from and against all claims, damages, losses, and expenses including, but not limited to, attorneys' fees arising out of or resulting from the use of HOME funds disbursed pursuant to this Agreement with respect to each Member's projects,

provided that any such claim, damage, loss or expense is (1) attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, and (2) is caused in whole or in part by any negligent act or omission of a Member, anyone directly or indirectly employed by a Member, or anyone for whose acts the a Member may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder.

p. Insurance. Each Member shall require that all owners, contractors and subrecipients of HOME assisted projects shall at all times maintain certain types of insurance coverage consistent with the character of the project and shall ensure compliance with the following as applicable.

- (i) Certificate of Insurance. At time of closing of a grant or loan providing assistance, each Member shall obtain a certificate of insurance covering the assisted premises. Said certificate shall provide coverages of the types and amounts stated in subparagraphs (A) and (B) herein. The insurance provided shall be maintained for the duration of the note, mortgage or the affordability period, whichever is longer.

(A) The certificate of insurance shall provide, at a minimum, comprehensive general liability insurance and property insurance with an arrangement of coverage specifying the premises. The certificate shall name the Member as loss payee. Any changes from the standard required coverages and amounts as stated below must be mutually agreed to in advance and in writing by the Member and Representative Member.

(B) Minimum Requirements. Typically, the following coverage will be required at the minimum amounts indicated:

Property Insurance: Minimum Amount = 100% of market replacement value or amount of HOME funds invested and all senior indebtedness, whichever is greater.

Liability Insurance: Minimum Amount = HOME funds and all senior indebtedness.

- (ii) Flood insurance. All HOME - assisted projects are subject to the Federal Flood Disaster Protection Act and associated regulations. Each Member shall ensure compliance with the applicable requirements, including ensuring the provision of flood insurance protection coverage, when required. At time of closing for providing assistance, each Member shall obtain a certificate of insurance covering the assisted premises. Said certificate shall provide the following minimum coverage: Minimum Amount = HOME funds and all senior indebtedness.
- (v) Construction Insurance. Prior to the commencement of work on any HOME-assisted site, each Member shall obtain a certificate of insurance covering the work to performed. Said certificate shall provide coverages for premises, operations, contractual liability, completed operations, automobile liability, employers liability, workers' compensation and professional liability (where applicable). Minimum amounts are stated in subparagraphs (A) and (B) below. The insurance shall be maintained for the duration of the work to be

performed.

(A) Minimum Requirements. Typically, the following coverages will be required at the minimum amounts indicated:

Workmens' Compensation:	Statutory coverage.
Employer's Liability:	\$100,000 Coverage B
Comprehensive General Liability:	\$300,000 each occurrence
Bodily Injury:	\$500,000 each occurrence
Property Damage:	\$100,000 each occurrence \$300,000 aggregate

(B) Automobile Liability (case by case basis, subject to determination by Member and Representative Member) for owned and non-owned vehicles:

Property Damage:	\$100,000 each occurrence \$100,000 aggregate
Bodily injury	\$250,000 each occurrence \$500,000 aggregate

q. Displacement and Relocation.

- (i) General.** Each Member shall take all reasonable steps to minimize displacement of persons consistent with the requirements of HOME Program regulation 92.353. In the event that displacement cannot be avoided, each Member shall ensure compliance with HOME Program regulation 92.353, including the provision of relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, hereinafter "URA", as amended. In addition, the Member shall ensure compliance with the most current edition of HUD Handbook 1378 "Tenant Assistance, Relocation and Real Property Acquisition".
- (ii) Use of Community Development Block Grant funds (CDBG).** If CDBG funds are utilized in the HOME assisted project for optional relocation costs (not administrative or planning costs) and/or for any project based costs, including staff project delivery costs, each Member shall ensure compliance with all applicable provisions of the Housing and Community Development Act of 1974, and applicable implementing regulations set forth in 24 CFR 570.
- (iii) Responsibility of Member.** Each Member shall prepare and maintain all necessary displacement and relocation plans and documentation, including, but not limited to site-by-site relocation plans, determinations of comparable housing, amounts and types of relocation assistance proposed, etc. as required by the URA. Each Member shall record compliance with all applicable relocation requirements on the AL Consortium Project Compliance Checklist.

r. Acquisition. The acquisition of real property for a HOME project is subject to HOME Program regulation 92.353, the URA and the requirements of 49 CFR 24, Subpart B. Each Member shall ensure compliance with all of the foregoing, and shall prepare and maintain all necessary acquisition documentation, including, but not limited to: appraisals, offer letters, required notices, checklists, and any related materials.

s. Procurement. Each Member agrees to fully comply with applicable requirements as referenced in 24 CFR 85.36 and related HUD Notices and will ensure compliance with 24 CFR 84.40 to 84.48 for nonprofit subrecipient organizations. Procurement steps must satisfy all applicable advertisement, competitive pricing, minority outreach, award, documentation and related requirements. Note that 24 CFR 24 prohibits the use of debarred firms and requires certain certifications for transactions consistent with 24 CFR 24, Appendix B.

t. Loan Servicing. In the event a loan or loans are issued with HOME funds, the Representative Member and each Member shall work out appropriate arrangements for the financial servicing of said loan(s) satisfactory to the parties. Each Member shall establish and maintain accounting records and procedures consistent with 24 CFR 85.20, HOME Program regulations 92.505 and 92.508(a)(6), including but not limited to individual loan case files, loan account histories, posting of payments and/or deferrals, account maintenance and updates, recording of loan discharge documents, preparation of IRS reports as applicable, loan portfolio reports, loan receivables control, loan repayment and interest reports, and related loan management documents. Loan payments, repayments and recaptures shall be handled in accordance with 92.503.

u. Assignability. Neither any Member nor the Representative Member shall assign any interest in this Agreement and shall not transfer any interest in the same whether by assignment or novation.

v. Liens.

- (i) General. Each Member shall ensure that any property benefiting through a HOME-assisted activity is free from any attachments, tax liens, mechanics' liens or any other encumbrances except as provided in paragraph (ii) below.
- (ii) A property assisted with HOME funds may have multiple mortgages subject to the discretion of each Member, and subject to loan underwriting analysis confirming sufficient equity is available to secure such HOME loan as may be secured by said property.

SECTION 11 - CHANGES

In the event that changes in this Agreement become necessary, a Member initiating such changes shall notify the Representative Member in writing describing the subject changes. Upon mutual consent regarding the requested changes, the Representative Member shall prepare an amendment to this Agreement incorporating said changes which shall become effective following execution of the respective authorized signatories of the Members.

SECTION 12 - APPLICABLE LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Maine and all applicable HUD regulations. HUD HOME Program regulations (primarily at 24 CFR Part 92) and requirements, as now or hereafter in effect, are incorporated by reference and shall take precedence for determining any issues that may arise concerning the Consortium.

SECTION 13 - SEVERABILITY

- a.. The provisions of this Agreement are severable. In the event that any provision herein is declared void or unenforceable, all other provisions shall remain in full force and effect.
- b. This Agreement is executed in two (2) counterparts, each of which shall be deemed to be an original and constituting together one and the same instrument, this being one of the said counterparts.

SIGNATORIES

IN WITNESS WHEREOF the parties hereto have executed this Agreement in two counterparts, as of the date first written above.

Representative Member:

Member:

City of Auburn, by its
City Manager
Peter Crichton

City of Lewiston, by its
City Administrator
Edward A. Barrett

Witness

Witness

Project Compliance Checklist

RENTAL HOUSING

- *Local project approval*
- *Environmental Review/Assessment*
- *Commitment letter with designation of HOME units*
- *IDIS HOME Set-up Form*
- *HOME underwriting/subsidy layering*
- *HOME Agreement*
- *Section 3 Reporting*
- *Certification/property standards*
- *Construction project inspections*
- *Affirmative Marketing Plan*
- *HOME Closeout/Match credit*

Homebuyer

- *Local Project approval*
- *Commitment Letter with designation of HOME units, if any*
- *Inspection Report*
- *IDIS HOME Set-up Form*
- *HOME Agreement*
- *HOME underwriting/subsidy layering*
- *Certification/property standards*
- *HOME Closeout/Match credit*

Homeowner Rehabilitation

- *Local project approval*
- *Environmental Review*
- *Home underwriting/subsidy layering*
- *IDIS Home Set-up Form*
- *Inspection Report*
- *HOME Agreement*
- *Certification/property standards*
- *Construction project inspections*
- *HOME closeout/Match credit*

Security Deposit

- *Local project approval*
- *HOME Loan Agreement*
- *IDIS Home Set-up Form*

LEWISTON CITY COUNCIL
MEETING OF MAY 21, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT: Resolve, Establishing the Honorary Position of Youth Poet Laureate for the City of Lewiston

INFORMATION:

Lewiston High School Student Joao Victor recently brought attention to the high school and the community by winning the State of Maine 2019 Poetry Our Loud contest and being selected as one of nine finalists in the national competition. Mayor Cloutier subsequently appointed Joao as the City's honorary Youth Poet Laureate. The Mayor is now asking the City Council to formally establish this position so that future Mayors will continue to recognize a resident student with this designation.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EmB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Establishing the Honorary Position of Youth Poet Laureate for the City of Lewiston



COUNCIL RESOLVE

Resolve, Establishing the Honorary Position of Youth Poet Laureate for the City of Lewiston

Whereas, Joao Victor, a student at Lewiston High School, recently won the State of Maine 2019 Poetry Out Loud Finals; and

Whereas, Joao then went on to compete in the national contest, where he was selected as one of the nine finalists; and

Whereas, Joao's success has brought attention to the creativity of the youth of the City of Lewiston and brought positive attention to our community and our school system; and

Whereas, the honorary position of Youth Poet Laureate is intended to provide on-going recognition to the creativity and accomplishments of youth in the City;

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

There is hereby established the honorary position of Youth Poet Laureate for the City of Lewiston. The Mayor is hereby authorized to appoint a resident of Lewiston who is an elementary or secondary school student to this position. Such appointment must be made by the Mayor following each regular municipal election. The term of the appointment shall be coterminous with the term of the Mayor during which the appointment is made. The Youth Poet Laureate shall be invited to participate in various school and city ceremonial occasions throughout the student's term in office, including writing and reciting an original poem at the City's Inauguration Ceremony, such presentation to be made by the outgoing Youth Poet Laureate should a replacement not yet have been designated by the in-coming Mayor.

LEWISTON CITY COUNCIL

MEETING OF MAY 21, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue 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:

State statutes define the purposes for entering into an executive session.

EAB/KMM

REQUESTED ACTION:

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

LEWISTON CITY COUNCIL
MEETING OF MAY 21, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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