

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
JULY 16, 2019**

6:00 p.m. Workshop

- A. Review of Draft Marijuana Ordinance – 45 minutes
- B. Request from the Town of Greene for Support – 15 minutes

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag

Lewiston Youth Advisory Council Presentation – Recognition of outgoing members and appointments of new members

Acceptance of the minutes of the June 18, 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 7.

REGULAR BUSINESS:

1. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for She Doesn't Like Guthries, 115 Middle Street.
2. Public Hearing for approval of Outdoor Entertainment Permit for Community Health Options.
3. Public Hearing for approval of live music at Dufresne Plaza in conjunction with a theater performance sponsored by the Lewiston Public Library.
4. Public Hearing for approval of Outdoor Entertainment Permit for the Annual Great Falls Balloon Festival.
5. Public Hearing and First Passage regarding an amendment to the Administrative Code to establish a Housing Committee.
6. Public Hearing and Final Passage for Land Use Code Amendments regarding Nursery Schools.
7. Condemnation Hearing for the building located at 16 Merton Boulevard.
8. Resolve, Adopting a New Property Disposition Policy, Master Policy 49.
9. Resolve, Amending City Property Disposition Policy, Master Policy 38.
10. Order, Authorizing the Deputy City Administrator to Execute the Necessary Documents to Accept the Donation of the Property at 31 Goodale Street.
11. Order, Authorizing the City Manager to Execute the Necessary Documents to Accept the Donation of the property at 57 Knox Street.
12. Order, Authorizing the City Administrator to Execute an Agreement with Androscoggin Valley Council of Governments for the Operation of the Environment Depot at the City's Solid Waste Facility.
13. Order, Authorizing the Library Director to Execute a Memorandum of Understanding with the Maine State Library and Maine InfoNet Regarding the Maine Reciprocal Borrowing Pilot.
14. Resolve, Approving an Extension to the Agreement with 188 Lincoln Street, LLC for the Purchase and Sale of Real Estate at 188 Lincoln Street.

15. Resolve, establishing an Ad Hoc Recycling and Waste Reduction Committee.
16. Appointments to the Androscoggin County Budget Committee.
17. Resolve, Appointing Bryon Bachelder as Sealer of Weights and Measures for the City of Lewiston.
18. Appointments to Citizen Boards and Committees.
19. Reports and Updates
20. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, JULY 16, 2019
6:00 PM

1. Review of Draft Marijuana Ordinance – 45 Minutes

Based on the previous discussions on this issue with the City Council, the Planning and Code office has prepared a preliminary draft of an ordinance authorizing, regulating, establishing licensing standards and fees, and setting performance standards for marijuana businesses in Lewiston. We would like to review this draft ordinance preliminary to introducing actual ordinances for consideration. Please see the attached memorandum from David Hediger, draft ordinances, and proposed fees.

2. Request from Town of Greene for Support – 15 Minutes

As a part of its FERC licensing requirements for the Gulf Island/Deer Rips Project relating to the provision of recreational facilities, Brookfield White Pine Hydro has been required to provide certain amenities at the "Cherry Pond" boat launch/recreation area in Greene. As a result of complaints from residents in the area, Brookfield has recently contacted certain parties and petitioners to request thoughts and/or comments on its proposal to remove these amenities while allowing the site to remain open. For some reason, Lewiston was apparently not included among those for whom comments were requested. We were, however, approached by the Town Manager of Greene on behalf of the Greene Board of Selectmen requesting that we support the Town in its efforts to maintain this facility in its current status. Please see the attached information. Attached please find a letter requesting our support; Brookfield's request for comments; and Greene's comments. Charles Noonan, Greene Town Manager, will be present at the meeting.



CITY OF LEWISTON
Department of Planning & Code Enforcement

TO: Mayor and City Council
FROM: David Hediger, Director of Planning and Code Enforcement
DATE: July 16, 2019
RE: Discussion regarding medical and adult use marijuana uses

Please find attached draft ordinance that proposes adult use and medical marijuana be regulated similarly. Staff is recommending medical marijuana and adult use marijuana establishment be subject to the same local licensing, zoning, and performance standards. At this time, we do not believe there needs to be a distinction between the two uses, other than drafting definitions that reference the specific state statute definitions contained in the Adult Use Marijuana Act (28-B M.R.S. §§ 101-1504) and the Maine Medical Use of Marijuana Act (22 M.R.S. §§ 2421-2430-B).

The following table summarizes the existing use groups of adult use and medical marijuana as regulated by the state and Lewiston's proposed use group.

Table with 3 columns: Adult Use Marijuana Act Use Groups, Medical Use of Marijuana Act Use Groups, Proposed Lewiston Ordinance Use Groups. Rows include Cultivation facilities, Manufacturing facilities, Testing facilities, Stores, Nursery cultivation facilities, and (blank: not defined).

The draft ordinance attempts to address comments received from the Council where there appeared to some consensus when last discussed on May 23, 2019, including:

- Clarification on setbacks from specific use groups (i.e. nursery schools/child care facilities).
- How setbacks are to be measured.
- Existing businesses to remain as legally nonconforming uses.
- Home delivery limited to medical marijuana providers.

Also provided is a list of other licensed establishments in Lewiston and their associated fees to operate.

Upon direction from the Council, amendments will be drafted and scheduled for public hearing before the Council and Planning Board. This includes rescinding nearly all of the existing medical marijuana provisions contained in Chapter 22, Article XV, as well as some associated changes within Appendix A of the Zoning and Land Use Code. However, staff believes we are at a point where a formal request and hearing may be scheduled.

ARTICLE XV. ADULT USE AND MEDICAL MARIJUANA

Sec. 22-420. Purpose.

The purpose of this chapter is to implement the Marijuana Legalization Act, 28-B M.R.S. §101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. §2421 et seq., and to protect the public health, safety, and welfare of the residents of and visitors to the City of Lewiston by prescribing the manner in which the cultivation and distribution of marijuana can be conducted in the City. This Article XV is adopted pursuant to the authority granted by 28-B M.R.S.A. § 401 et seq., as may be amended, and 22 M.R.S.A. §2429-D et seq., as may be amended. In addition, this chapter:

Provides for the safe sale and distribution of marijuana to those who qualify to obtain, possess, and use marijuana under the Marijuana Legalization Act and Maine Medical Marijuana Act.

Protects public health and safety through reasonable controls on marijuana cultivation, manufacturing, testing, and distribution operations as they relate to noise, air and water quality, food safety, neighborhood and customer safety, security for these operations and their personnel, and other health and safety concerns.

To impose fees to cover the City's costs of licensing the cultivation and distribution of marijuana and enforcing the regulations outlined in this Article.

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

Sec. 22-421. Applicability.

This article shall apply to any persons or entities operating or interested in operating a Marijuana Businesses within the city.

Sec. 22-422. Definitions.

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

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

Cultivation or Cultivate: the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale.

Disqualifying offense means a conviction for a violation of a state or federal law that is a crime punishable by imprisonment for one year or more. It does not include an offense that consisted of conduct that would have been permitted under this chapter.

Enclosed, locked facility means a closet, room, or other enclosed area within a building, or an

enclosed locked facility within a greenhouse, that is equipped with locks or other security devices that permit access only by a licensee.

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

Harvested Marijuana: the plant material harvested from a mature marijuana plant, except the stalks, leaves and roots. "Harvested marijuana" includes marijuana concentrate and marijuana products.

Immature marijuana plant: a marijuana plant that is not a mature marijuana plant or a seedling.

Manufacture or Manufacturing: the production, blending, infusing, compounding or other preparation of marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis.

"*Marijuana*" means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not.

Marijuana Business: any business involved in the cultivation, processing, testing, sale, or manufacturing of marijuana products for adult or medical use to include: Facilities for Marijuana Cultivation, Marijuana Manufacturing, Marijuana Testing as well as Registered Dispensaries and Marijuana Stores, or Registered Caregivers licensed under this Ordinance.

Marijuana Cultivation facility: a facility licensed under this ordinance to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to Manufacturing Facilities, to Adult Use Marijuana Stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to Marijuana Stores; cultivate, prepare and package medical marijuana at a location that is not the residence of the Registered Caregiver or Qualifying Patient

Marijuana Nursery Cultivation Facility: a facility licensed under this ordinance to cultivate adult marijuana with not more than 1,000 SF of plant canopy pursuant to MRS 28-B Section 501.

Marijuana Manufacturing Facility: a facility licensed under this ordinance to purchase marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities; or, a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section MRS 22 Section 2423-F.

Marijuana Store: a facility licensed under this ordinance where qualified individuals may purchase marijuana, immature marijuana plants and seedlings from a Cultivation Facility, purchase marijuana and marijuana products from a Manufacturing Facility and sell marijuana, marijuana products, immature marijuana plants and seedlings to consumers.

Marijuana Testing Facility: a facility licensed under this ordinance to: develop, research and test adult use marijuana, adult use marijuana products and other substances; or authorized in accordance with MRS 22 Section 2423-A, subsection 10, to analyze contaminants in and the potency and cannabinoid profile of medical marijuana samples and is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the State of Maine.

Marijuana means the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not.

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

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

Plant Canopy: the total surface area within the licensed premises of an Adult Use Marijuana Cultivation Facility that is authorized for use at any time by the cultivation facility licensee to cultivate mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of non-contiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature marijuana plants and seedlings and that are not used by the licensee at any time to cultivate mature marijuana plants.

Qualifying patient: a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with MRS 22 Section 2423-B.

Registered caregiver: a person or an assistant of that person that provides care for a qualifying patient and who is registered by the State of Maine pursuant to MRS 22 Section 2425-A.

Registered Dispensary: an entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients as that term is defined in MRS22 Section 2422(6), as may be amended.

Testing or test: the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency.

Sec. 22-423. License required.

No person shall engage, operate or maintain a Marijuana Business in the city unless such person has first acquired a license in accordance with this Article. The following do not require a license:

Each person 21 years of age or older who is growing as a primary caregiver for personal medical use and/or for personal adult use as allowed per state law and is doing so on the premises at which that person is domiciled is not subject to the licensing provisions of this ordinance as long as all cultivation is located within fully enclosed structures and any odor from marijuana plants or other marijuana products remains confined within the premises and is not detectable off-site of the premises that are under the custody or control of the individual or which create a public nuisance at common law. Outdoor cultivation of marijuana for personal recreational or medical use is prohibited.

Registered Caregivers who manufacture or cultivate medical marijuana only for themselves and/or members of their household are exempt from the requirement to obtain a permit or license as it applies to this section of ordinance. Adult use manufacturing in any structure or property with a residence is prohibited.

Unless otherwise allowed, the cultivation, manufacturing, testing or sale of marijuana from a residence is prohibited, unless it is for personal use.

Sec. 22-424. Food establishment license.

A food establishment license must be obtained prior to preparing goods containing marijuana that are intended for consumption.

Registered caregivers who manufacture prepared goods containing medical use marijuana intended for ingestion, including tinctures, at their residences must apply for and obtain a permit for a home occupation in accordance with Appendix A, Articles II and V of the Code of Ordinances, Zoning and Land Use Code, and must obtain a food establishment license from the City and the Department of Agriculture, Conservation and Forestry (DACF), and shall comply with all applicable standards set forth in this ordinance.

Adult use manufacturing out of a residence is prohibited, unless it is for personal use in accordance

with MRS 28-B, Section 1503.

Sec. 22-425. Reserved.

Sec. 22-426. Background checks.

The city clerk shall order background checks on all applicants for a Marijuana Businesses license. Updated background checks shall be conducted annually at the time of license renewal. Background checks shall be conducted in each state where such individuals have resided since the age of 18.

Sec. 22-427. Reserved.

Sec. 22-428. Reserved.

Sec. 22-429. Application requirements.

All applications for Marijuana Business licenses under this article shall be filed with, and in a form satisfactory to, the city clerk. All applicants must be qualified according to the provisions of this Article and shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this Ordinance.

If the applicant who wishes to operate a Marijuana Business is a single individual, that person must sign the license application. If the applicant who wishes to operate a Marijuana Business is more than one individual, each person who has an interest in the business must sign the application. Each applicant must meet all qualifications set forth in this Article. Each applicant shall be considered a licensee if a license is granted.

The completed application for a Marijuana Business license shall contain, at a minimum, the following information and shall be accompanied by the specified documentation:

- a. If the applicant is an individual, the applicant's legal name and any aliases and proof that the applicant is at least twenty-one (21) years of age.
- b. If the applicant is a partnership, the complete name of the partnership and the names of all partners, whether the partnership is general or limited, along with a copy of the partnership agreement, if any, and proof that all partners are at least twenty-one (21) years of age.
- c. If the applicant is a corporation, its complete name, the date of its incorporation, evidence that the corporation is in good standing with the State of Maine, the names and capacities of all officers, directors, and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and proof that all officers, directors, and principal stockholders are at least twenty-one (21) years of age.
- d. If the applicant is a limited liability company (LLC), its complete name, the date of its

establishment, evidence that the LLC is in good standing with the State of Maine, the names and capacities of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and proof that all members are at least twenty-one (21) years of age.

e. If the applicant intends to operate the Marijuana Business under a name other than that of the applicant, the Marijuana Business' name must be stated and the required registration documents must be submitted.

f. If the applicant, an officer, member, or employee has been convicted of criminal activity under State and/or federal law, the specified criminal offense involved must be listed including the date, place, and jurisdiction of each conviction.

g. If the applicant, as an individual, partner, or officer, director, or principal stockholder of a corporation engaged in a Marijuana Business, has had a previous license application denied or had such a license suspended or revoked under this ordinance or in any other governmental jurisdiction, the applicant must list the name and location of the Marijuana Business, the reason for which the license was denied, suspended, or revoked, the date of the denial, suspension, or revocation, and the position held in the Marijuana Business.

h. If the applicant holds any other permits/licenses under this ordinance or other similar Marijuana Business license from another governmental jurisdiction, the applicant shall provide the names and locations of such other permitted/licensed businesses.

i. The type of Marijuana Business for which the applicant is seeking a license.

j. The location of the proposed Marijuana Business, including a legal description of the property, street address, and telephone number.

k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the Marijuana Business pursuant to a lease, rental agreement, purchase and sale agreement, ownership, or other arrangement for possession of the premises.

l. The applicant's telephone number, email address, mailing address and residential address.

m. The applicant's driver's license or State of Maine Identification Card and, if applicable, a copy of a valid registered primary caregiver identification card issued by the State of Maine

n. A sketch showing the configuration of the subject premises, including building footprint, interior layout identifying floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

o. A copy of a City Tax Map depicting the property lines of the premises and the property lines of other properties containing any existing Marijuana Businesses within five hundred

(500) feet of the subject property and the property lines of any pre-existing schools or child care facilities and public parks, playgrounds or recreational facilities owned by the city within seven hundred and fifty (750) feet of the subject property, measured in accordance with Section 22-430 (3) and (4).

p. A nonrefundable application fee in accordance with the city's policy manual as established by the city council.

q. Proof that, pursuant to 28-B M.R.S. § 402, the applicant has been issued a conditional license by the State of Maine to operate the Adult Use Marijuana Business.

Three (3) copies of the license application and all supporting documentation must be provided at time of application.

All applications for a Marijuana Business license shall be kept confidential by the City.

Sec. 22-430.

Performance standards for Marijuana Business.

All marijuana businesses shall conform to the following provisions:

1. No outside cultivation or storage of marijuana, marijuana products, or related supplies is permitted.
2. Marijuana establishments operating with City approval prior to December 13, 2018, shall be entitled to continue operation whether such use does or does not conform to the locational requirements of Section 22-430 (3) and (4) of this Article of this Code or applicable zoning ordinances and shall be treated as a nonconforming use pursuant to Article VI, Section 4 of the Zoning and Land Use Code.
3. No marijuana business shall be sited within seven hundred and fifty (750) feet of the lot lines of pre-existing schools or child care facilities and public parks, playgrounds or recreational facilities owned by the city. For the purposes of this paragraph, "school" includes a public school, as defined in Title 20-A, section 1, subsection 24, a private school, as defined in Title 20-A, section 1, subsection 22, a public preschool program, as defined in Title 20-A, section 1, subsection 23-A or any other educational facility that serves children from prekindergarten to grade 12. "Public parks, playgrounds or recreational facilities" includes those areas as defined in Section 54-8 of the Lewiston's Code of Ordinances. For purposes of this section, the term "child care facility" means a "child care facility" as that term is defined in 22 M.R.S. § 8301-A (1-A)(B), as may be amended. Setbacks shall be measured along the ordinary course of travel between the main entrance of each premises. If the marijuana business is located within a commercial subdivision or multi-tenant structure (i.e. business park, shopping plaza, etc.), the required setback shall be measured in the same manner. Notwithstanding the foregoing, more than one marijuana businesses may be located on the same parcel, provided all state and local requirements are met.

Cultivation, manufacturing, testing, nurseries, and dispensaries operating within the industrial zoning district are exempt from this setback requirement.

4. Separation of marijuana stores and registered dispensaries. The minimum distance between a marijuana store or dispensary and any two other marijuana stores and/or dispensaries in the same or adjoining zoning district shall be 500 feet as measured along the ordinary course of travel between the main entrance of each premises. Notwithstanding the foregoing, more than one marijuana businesses may be located on the same parcel, provided all state and local requirements are met.
5. All activities of marijuana businesses, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors. Marijuana businesses are not permitted to conduct outdoor sales or services of any kind. Any common areas, including, but not limited to storage areas and building facilities, shared with another marijuana business must be clearly identified as such in the license application.
6. Odor management. For all marijuana businesses, the odor of marijuana must not be detectable offsite, i.e., must not be detected at premises that are not under the custody or control of the establishment. To prevent and control marijuana odors, an odor control plan describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises shall be submitted as part of the license application.
7. Marijuana businesses shall include appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the operation.
8. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana business must be provided and operating at all times.
9. Sufficient and appropriate security measures to deter the theft of marijuana and prevent unauthorized entrance into areas containing marijuana must be provided at all times. Security measures shall include, at a minimum, the following:
 - (a) security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with interior and exterior of the premises to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
 - (b) door and window intrusion alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working order;
 - (c) a locking safe or its functional equivalent permanently affixed to the premises that is suitable for storage of all adult use marijuana products, medical marijuana products and cash stored overnight on the premises;
 - (d) exterior lighting that illuminates the exterior walls of the premises and complies with applicable provisions of the Code of Ordinances; and
 - (e) deadbolt locks on all exterior doors and locks or bars on any other access points (e.g., windows).
10. Sale of edible products. No food products shall be sold, prepared, produced or assembled

by a marijuana business except in compliance with all operating and other requirements of state and local law and regulation including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

11. Drive-through and home delivery. Marijuana businesses are prohibited from having drive-through pick-up facilities. Marijuana businesses are prohibited from providing home delivery services; provided, however, that registered caregivers (and not medical marijuana assistants unless they are also medical marijuana registered caregivers) may provide home delivery services. Adult use marijuana customers may only purchase and obtain adult use marijuana products from within a marijuana store.
12. Manufacture of marijuana. The extraction of marijuana using inherently dangerous substances is prohibited unless (a) the person has sought and obtained authorization to do so with the State of Maine, and (b) such activity is located in a zoning district where a Marijuana Manufacturing Facility is an allowed use.
13. Signs: Notwithstanding the requirements of the Article XII, Section 16 of the Zoning and Land Use Code, all signs used by and all marketing and advertising conducted by or on behalf of a marijuana business may not involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal to persons under 21 years of age. The signs, marketing, or advertising are prohibited from making any health or physical benefit claims. All signage shall meet the City's sign ordinance requirements and may use an image or images of the marijuana plant or plants, or parts thereof, as long such image or images do not exceed 20% of the sign face. Pictorial representations of other marijuana products, by-products, or paraphernalia associated with the use or distribution of retail marijuana is prohibited.
14. Other laws remain applicable. A marijuana establishment shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing adult use marijuana and/or marijuana establishments, the stricter law or regulation shall control.
15. Businesses must satisfy all applicable State of Maine and city code requirements such as, but not limited to, electrical, plumbing, building, ventilation, energy conservation, life safety, and mechanical in addition to the environmental performance standards with respect to odors and other environmental considerations as per Appendix A, Article XII, Section 19.
16. The cultivation of marijuana within or on the property of a multifamily dwelling is prohibited;

Sec. 22-431. Reserved

Sec. 22-432. Reserved.

Sec. 22-433. Inspection of marijuana businesses

A marijuana business is subject to inspection as follows:

1. Submission of a license application for a marijuana business shall constitute permission for entry and inspection.
2. A marijuana business shall allow the City Department to carry out an inspection in accordance with this chapter at any reasonable time.
3. During an inspection, the City Department may identify violations of this chapter or other provisions of the Code or State Law. The marijuana business may receive written notice by certified mail of the nature of the violations. If so, the marijuana business must notify, in writing, the representative of the City Department identified in such notice within ten (10) business days of the date of the notice of violations identifying the corrective actions taken and the date of the correction.
4. Failure to cooperate with required inspections and to respond to notices of violations as specified shall be grounds for the city clerk or the City Department to temporarily suspend the license of the marijuana business, subject to potential license revocation by the city administrator.

Sec. 22-434. Denial of application.

The city clerk may deny an application for a license based on the applicant's failure to comply with the application requirements set out in these rules, including the applicant's failure to provide the required information; and/or a determination that the information provided was materially inaccurate or incomplete.

Sec. 22-435. Disqualifying conviction.

The City shall not approve a license for a marijuana business if the applicant has been convicted of a disqualifying offense in Maine or another jurisdiction, specifically a conviction, within the past 10 years, for a violation of a state or federal law that is a crime punishable by imprisonment for one year or more; misdemeanor convictions (or local ordinance violations) involving a controlled substance, dishonesty, theft, or fraud within the past 5 years; submitting an application that contains false information; failure to demonstrate the ability to maintain adequate premises liability and casualty insurance; failure to meet other criteria established by the State; and tax delinquency issues at the local, state, or federal level.

The city clerk or the City Department shall temporarily suspend the license for a marijuana business for any violations of the provisions contained within this chapter.

Sec. 22-436. Revocation of license.

Grounds for revocation of a license of a marijuana business by the city administrator include the following:

1. Conviction of the licensee of selling, furnishing, or giving marijuana to a person who is not allowed to possess marijuana in accordance with these rules and the applicable state statutes.

2. Conviction of a disqualifying drug offense.
3. Conviction of dispensing, delivering, or otherwise transferring marijuana to a person other than a registered patient who has designated the registered primary caregiver to cultivate marijuana.
4. Failure to cooperate with required inspections.
5. Failure to timely rectify any Notice of Violations.
6. Violations of any laws, rules, or ordinances that govern the operation of a marijuana business.
7. Committing, permitting, aiding or abetting any illegal practices in the operation of a marijuana business;
8. Conduct or practices that are detrimental to the safety and welfare of patient or/customers;
9. Providing information that is materially inaccurate or incomplete; and
10. Revocation or suspension of any state license or permit related to the Marijuana Business with which the licensee is associated

Sec. 22-437. Reserved.

Sec. 22-438. License administration for a marijuana business.

The city clerk and the City Department may impose conditions on the approval of any license application under this article to ensure compliance with the provisions of this article or any other provision of law. Such conditions may include, but are not limited to, the following:

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

Sec. 22-439. Reserved.

Sec. 22-440. Reserved.

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

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

- (1) Complying at all times and in all circumstances with the provisions of State Law;
- (2) Keeping the marijuana plants in an enclosed, locked facility not visible from outside

of the premises where the plants are grown to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana unless the plants are being transported because the patient is moving or taking the plants to another patient's home.

- (3) Ensure that odor from marijuana plants or other marijuana products remains confined within the premises and not detectable at the property line.

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

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

- (1) Temporary suspension. The city clerk and the City Department are authorized, pursuant to section 22-44, to immediately and temporarily suspend any license when continued operation of the licensed premises or activity presents a danger to the health, safety or the general welfare of the public.
- (2) The city administrator may suspend or revoke a license for a marijuana business in accordance with the provisions of section 22-436 of this article.
- (3) Civil penalties. A violator may be required to pay the penalties imposed by section 1-8 of this Code or 30-A M.R.S.A. (4452 et seq. as amended). A court judgment in the city's favor may result in a court order that the owner and/or operator of said Marijuana Business abate any violations, pay a penalty in accordance with the city's policy manual as approved by the city council, and pay the court costs and legal and expert witness fees incurred by the city. Notwithstanding the above, the chief of police may initiate criminal proceedings relative to individuals engaged in the unlawful distribution, use and cultivation of marijuana.

Sec. 22-443. Confidentiality.

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

Sec. 22-444. Reserved

AN ORDINANCE PERTAINING TO MARIJUANA BUSINESSES

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 XI. DISTRICT REGULATIONS**

Sec. 22. Land Use Requirements

- Districts in which the city currently permits industrial and light industrial uses will allow as permitted uses cultivation, manufacturing, testing, nurseries, and dispensaries:
 - Industrial, Urban Enterprise, Mill, Highway Business and Office Service.
- Marijuana stores shall be allowed in those districts that currently permit retail uses:
 - Riverfront, Community Business, Highway Business, Centreville, Urban Enterprise and Mill.
 - Staff does not recommend including the Downtown Residential or Neighborhood Conservation “B” districts, which currently allow retail uses, since the majority of uses in these districts are residential.

Marijuana Business Fee structure recommendations

The current license application fee in Lewiston is \$550 annually. Given the unforeseen number of existing establishments and the potential for more, as well as the amount of time and resources involved by various departments in processing and inspecting establishments (i.e. clerks, police, fire, planning/code enforcement), there is a justifiable need to increase the fee. Some caregivers expressed concerns with the proposed increases. A quick review communities suggests these are reasonable and consistent. Recommended fee’s include:

- Marijuana Store: Annual Operation Permit/License Fee: \$1,500
- Marijuana Manufacturing Facility: Annual Operation Permit/License Fee: \$1,000
- Marijuana Testing Facility: Annual Operation Permit/License Fee: \$500
- Marijuana Cultivation:
 - Tier 1: 250 to 500 SF of plant canopy: Annual Permit/Licensing Fee: \$1,000.
 - Tier 2: 501-2,000 SF of mature plant canopy: Annual Permit/License Fee: \$1,500.
 - Tier 3: 2,001-7,000 SF of mature plant canopy: Annual Permit/License Fee: \$2,500.
 - Tier 4: 7,001-20,000 SF of mature plant canopy: Annual Permit/License Fee: \$5,000.
 - Nursery Cultivation: Cultivation of not more than 1,000 SF of plant canopy in compliance with 28-B M.R.S. §501.3: Annual Permit/License Fee: \$1,500 (Plant canopies of individual Nursery Cultivations are permanently capped at 1,000 SF.)
- Dispensary: Annual Operation Permit/License Fee: \$1,500

For comparison, the following fees have been adopted by the City Council:

Class A lounge:

a. Up to 1200 sq. ft.....	1470.00
b. 1201sq. ft. to 2000 sq. ft.....	1815.00
c. 2001sq. ft. to 3000 sq. ft.....	2045.00
d. 3001sq. ft. and over.....	2275.00

Food service establishment:

a. Class A:	
1. Up to 3,000 sq. ft.....	350.00
2. 3,001 sq. ft. to 6,000 sq. ft.....	465.00
3. 6,001 sq. ft. and over.....	575.00
b. Class B.....	200.00
c. Class C.....	200.00
d. Class D.....	150.00
e. Class E.....	355.00

f. Class F.....	65.00
g. Class G.....	50.00

Medical Marijuana

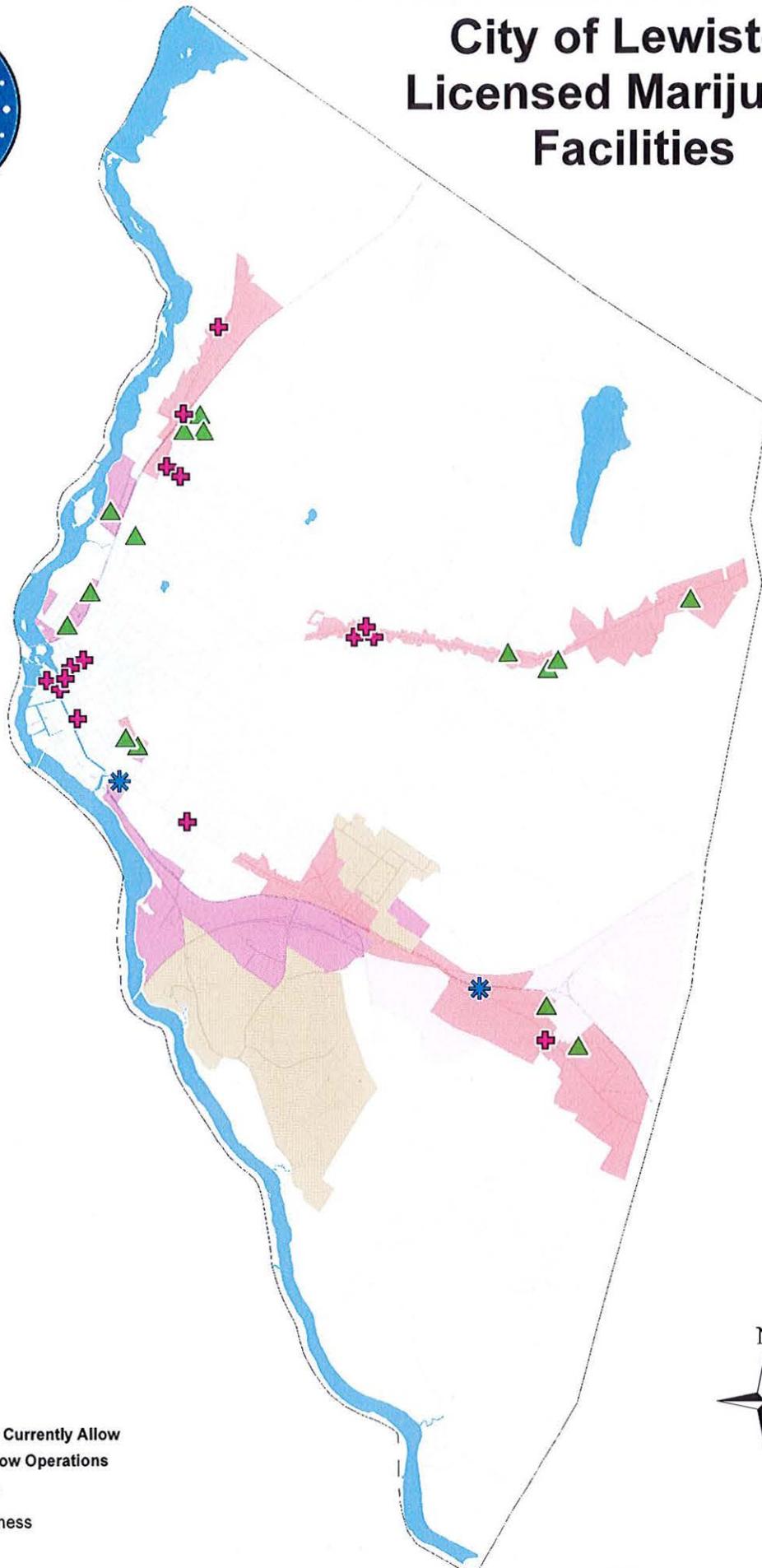
a. Non-refundable application fee for Registered Primary Caregiver Operation...	550.00
b. Non-refundable application fee for Registered Dispensary.....	550.00

Special food handler:

a. Prepackaged food only.....	44.00
b. Processing.....	88.00



City of Lewiston Licensed Marijuana Facilities



Legend

-Caregivers

-  Grow
-  Grow/Retail
-  Retail

-Zoning Districts that Currently Allow Primary Caregiver Grow Operations

-  Office Service
-  Highway Business
-  Industrial
-  Urban Enterprise



Town of Greene
220 Main Street~ P.O. Box 510
Greene, ME 04236
Tel. (207) 946-5146 ~ Fax (207) 946-2102
Email: cnoonan@townofgreene.net

To: Ed Barrett, City Administrator
From: Charles Noonan, Town Manager 
Re: Brookfield Closure of "Cherry Pond" facility Greene
Date: July 2, 2019

Thank you for taking the time to discuss with me the issues surrounding the possible closure of the "Cherry Pond" boat launch/recreation area in Greene. The Board of Selectmen would be grateful if your Council could support Greene's efforts in maintaining this facility at its current status.

If you have any questions regarding this issue please contact me.

Exhibit 1

Brookfield

Brookfield Renewable
Brookfield White Pine Hydro LLC
150 Main Street
Leviston ME 04240

Tel 207.755.5600
Fax 207.755.5655
www.brookfieldrenewable.com

June 3, 2019

**Gulf Island/Deer Rips Project
FERC No.**

To: Distribution List

RE: Cherry Pond Day-use Recreation Site

To All Consulting Parties and Petitioners

Brookfield White Pine Hydro LLC has been approached by the residents of the River Road and general vicinity of the Cherry Pond Recreation Site through a signed petition, with a request to close the site due to ongoing conflicts at the site. Brookfield has worked diligently with the Maine Warden Service, Androscoggin County Sheriff's Office and Maine State Police to try and control undesirable behavior at the site since its installation in 2011.

Brookfield has had several meetings with the Maine Warden Service, and the Greene Town Manager, Charlie Noonan, to discuss the issues at the site. Brookfield discussed several alternatives including turning the routine maintenance and operations of the site over to the Town or closing the site altogether. However, the Town's Board of Selectmen rejected these proposals and requested that Brookfield continue to maintain and operate the site.

As a first attempt to temper undesirable behavior at the Project, Brookfield proposes to remove all of the site amenities (picnic tables, fire rings and porta-potty) and continue to have the State Police, Androscoggin County Sheriff's Office and Warden Service patrol the site. Should this attempt fail to curb the conflicts, Brookfield would petition FERC to allow closure of the site altogether.

Brookfield requests your thoughts and/or comments on the proposal to remove recreation amenities while allowing the site to remain open to provide access to project waters within 30 days, as part of the record of consultation to be presented to FERC.

Should you have any questions, please feel free to contact Ernest M. DeLuca at 207-755-5619 or by e-mail at ernest.deluca@brookfieldrenewable.com.

Regards,



Kelly Maloney
Manager, Compliance – Northeast

Cc: S. Michaud, C. Karam, J. Rancourt, K. Gamache, N. Stevens, J. Seyfried, S. Hofacker, J. Clere, M. Prusak, K. Bernier, T. Uncher, BWPH

HSSE Managed System: 4a|2283|01

Town of Greene
220 Main Street~ P.O. Box 510
Greene, ME 04236
Tel. (207) 946-5146 ~ Fax (207) 946-2102
Email: cnoonan@townofgreene.net

June 24, 2019

Robert J. Fletcher, Chief
Land Resources Branch
Division of Hydropower Administration and Compliance
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: FPL Energy Maine Hydro, LLC Projects Nos. 2283-064 & 2283-065

Dear Mr. Fletcher,

I am writing you today on behalf of the Town of Greene Maine Board of Selectmen concerning a forthcoming record of consultation to be presented to FERC by Brookfield Renewable to change the operating requirements as ordered under Section (C) of the Director orders issued March 25, 2010. The Board of Selectmen wish to go on record as strongly opposing any change to the obligations of that order.

As stated in the Brookfield Renewable letter of June 3, 2019 to Consulting Parties and Petitioners (enclosed) Brookfield wishes to remove all amenities (picnic tables, fire rings and porta-potty) from the site thereby, in effect, abandoning any responsibility to provide recreational opportunities to the citizens of Greene and beyond.

As mentioned in their June 3, 2019 letter Brookfield had proposed to the Town of Greene that we take over the operation and maintenance of the site (enclosed). As convenient as that might be for Brookfield, we believe it completely discards the responsibility and ignores the economic benefits Brookfield derives from its usage of the Androscoggin River and is not within our framework to maintain private property for a commercial entity.

The Board is aware of the desire of the residents along the River Rd. approach to the "Cherry Pond Recreation Site" to see the site closed. We are also very mindful of the many families and residents who enjoy countless hours of fishing, swimming and just enjoying the area. Without the amenities which Brookfield now wishes to remove that enjoyment will surely be severely curtailed, or perhaps eliminated altogether.

We have conducted a Freedom of Information Request (FOIA) to the Androscoggin County Sheriff's Office, Maine State Police and the Maine Warden Service, the law enforcement departments responsible for the Greene site, asking for any incidents

occurring at that site for the last 18 months(enclosed). As evidenced by their responses the worst offenses were a case or two of fishing beyond open hours of the site or fishing on adjacent property in error. We are skeptical given this information that this activity rises to the level of "undesirable behavior" warranting Brookfield's request for changes to the directive to provide recreational opportunities at the site.

The Town of Greene, as well as all other municipalities and entities which provide public spaces, are acquainted with the problem of vandalism at these sites. We have spent monies replacing and repairing all manner of items and facilities caused by the bad behavior of a few individuals. Nevertheless we do not find that justifies the elimination of these recreational areas that benefit so many.

We are hopeful that you will continue to require Brookfield to meet its obligations under its current licensing agreement and reject their request to curtail or eliminate this site.

Sincerely,


Anthony Reny, Chairman
Greene Board of Selectmen

Cc: Senator Susan Collins, Senator Angus King, Representative Jarod Golden, Town of Leeds Maine, Town of Turner Maine, City of Auburn Maine, City of Lewiston Maine, Androscoggin Land Trust, Brookfield Renewable



EXECUTIVE DEPARTMENT

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

TO: Mayor Kristen Cloutier & Lewiston City Council

FR: Dottie Perham-Whittier, Community Relations Coordinator/LYAC Advisor

RE: Appointment of 2019-2020 Lewiston Youth Advisory Council

DT: July 5, 2019

Interviews were recently held by Council Liaison Zachary Pettengill, LYAC Chair Emma Williams, and myself to fill nine (9) open slots on the Lewiston Youth Advisory Council (LYAC)—thirteen (13) youth submitted applications! With appointment of the youth selected, LYAC will be at its full 15-member capacity. The new members are listed below:

Emily Fournier
Julia Paquette
Olivia Deschenes
Ryleigh Emmert
Keira Potvin
Fazla Karim
Cadence Nadeau
Brea Mathieu
Ariana Vallee

An interactive day of orientation will occur in August.

During the applicant's interviews, they spoke very highly of Lewiston and are anxious to contribute to their community. **TOPICS ON THEIR MIND INCLUDED:** Being an ambassador for Lewiston; empowering people in Lewiston; further addressing the "Dirty Lew" image; distributing encouraging community messages; more inclusion/community unity; bullying, to include cyber bullying & how to handle bullying; Yellow Tulip Project (anti-bullying); a health & wellness day; trash clean-up; and recycling.

RETURNING MEMBERS ARE: Carolyn Adams, Hope Rubito, Damon DeWitt, Katie Morin, Madison Laflamme, and Lillith Price-Wharff. As you know, six (6) LYAC members graduated in June.

dapw

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

Date of Application: 6-25-19

Expiration Date: 7-24-20

- 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: SHE DOESNT LIKE GUTHRIES **Business Phone:** 376-3344

Location Address: 115 MIDDLE ST LEWISTON MAINE 04240

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

Mailing Address: SAME P

Email address: guthries place @ gmail . com

Contact Person : RANDY KETOURNEAU **Phone:** 376-3344

Owner of Business: SAME P **Date of Birth:** 8-29-1977

Address of Owner: 5 TAYLOR HILL RD LEWISTON ME 04240

Manager of Establishment: SAME P **Date of Birth:** 8-29-1977

Owner of Premises (landlord): KP REALTY 743 Sabbathus St. LEWISTON ME 04240

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): _____
- Current Business -

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? X Yes No If yes, please explain: OUI → 2000

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

Corporation Name: SHE DOESN'T LIKE GUTHRIES

Corporation Mailing Address: 115 MIDDLE ST LUNENBURG ME 04240

Contact Person: RANDY LETOURNEAU Phone: 376-3344

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? 3rd Floor

Please describe the type of proposed entertainment:

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

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

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

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

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

Signature: [Signature] Title: OWNER Date: 6-25-19

Printed Name: RANDY LETOURNEAU

Hearing Date: 7-16-19



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: May 23, 2019

RE: Liquor License/Special Amusement Permit – **She Doesn't Like Guthries**

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

She Doesn't Like Guthries
115 Middle St., Lewiston



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



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL
MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for Community Health Options.

INFORMATION:

Community Health Options is hosting their annual employee BBQ in the Amphitheater area of Simard-Payne Park on Friday, August 23 which will feature live music in the Park. The Council is asked to approve the standard Outdoor Entertainment Permit for the event.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from Community Health Options for an outdoor musical concert to be held at Simard-Payne Park on Friday, August 23 as part of their annual employee BBQ event, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to them for the outdoor music concert, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.



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

Application Date: 5/7/19

Event and Organizer Information

Event Name: Employee BBQ Event Location: Ampitheater@ Simard-
Requested Date(s) 8/23/2019 Rain Date (if applicable) Recurring Dates &
Actual Hours of Event 2 to 7 Set up: 11 Tear Down: 17
Type of Event (check all that apply): Park Use Only Gazebo Use Amphitheater Use
First-time Event Repeat Event X Attendance (25+) X (1,000+) (requires CC approval)
Walk/Run Road Race Festival Concert Live Performance X Parade
Carnival Fireworks Arts Wedding Ceremony Wedding Reception Picnic/BBQ X
Open to the Public Age-Restricted Invitation Only X Vigil Demonstration March
Fundraiser Other (please specify):

Name of Organization: Community Health Options For-Profit Non-Profit X
Organization Address: 150 Mill Street City: Lewiston
Organization Daytime Telephone: 207-402-3330

Applicant Name: Sarah Timmermeyer Title: Account Manager
Applicant Telephone: 207-330-2444 Applicant Email: stimmermeyer@healthoptions.
On-site Manager Name (day of event): Sarah Timmermeyer Cell: 2077133548

At-A-Glance / Staff Use Only

EVENT NUMBER: Calendar [checked] E-Folder [checked] DB [checked] 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 [checked]

Event Staff-Organizer Meeting Date

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



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	<input checked="" type="checkbox"/>	Amphitheater	\$60 hr.	\$25 hr.
Dufresne Plaza	\$150	<input type="checkbox"/>			
Kennedy Park	no charge	<input type="checkbox"/>	Gazebo	no charge	
Pettingill School Park	no charge	<input type="checkbox"/>	Pergola	no charge	
Marcotte Park	no charge	<input type="checkbox"/>			
Potvin Park	no charge	<input type="checkbox"/>	Reservations are required		
Raymond Park	no charge	<input type="checkbox"/>	Number of Days _____		
Sunnyside Park	no charge	<input type="checkbox"/>		Amount \$	75
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 Music/DJ/Microphone use

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

Live Performance Yes No Please describe either DJ or solo artist, TBD

OUTDOOR ENTERTAINMENT PERMIT \$50 / \$25 (LBNP) Amount \$ 25.00

City Council approval is required

Food Yes No Sold Given Away Type _____

Food Truck Food Truck Name _____ Licensed Yes No

BBQ is this a catered event? Name of caterer Hurricane's Deli (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 Non-Alcoholic

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 & other fees may apply Amount \$ _____

No discounts apply on alcohol permits

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing for approval of live music at Dufresne Plaza in conjunction with a theater performance sponsored by the Lewiston Public Library.

INFORMATION:

The Lewiston Public Library has submitted an application requesting permission to offer live music on City property in conjunction with a theater performance. The event will be held at Dufresne (Courthouse) Plaza on August 21, 22, 23, 24 and 25. 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.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from the Lewiston Public Library for live music to be held at Dufresne Plaza on August 21-25, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Library for the outdoor event, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.



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

Application Date: 5/20/19

Event and Organizer Information

Event Name: Shakespeare in the Plaza "As You Like It" Event Location: Dufresne Plaza

Requested Date(s) 8/21/19-8/25/19 Rain Date (if applicable) _____ Recurring Dates _____ & _____

Actual Hours of Event 7:00pm to 9:00pm Set up: 4:00pm Tear Down: 10:00pm

Type of Event (check all that apply): Park Use Only Gazebo Use _____ Amphitheater Use _____

First-time Event _____ Repeat Event Attendance (25+) (1,000+) _____ (requires CC approval)

Walk/Run _____ Road Race _____ Festival _____ Concert _____ Live Performance Parade _____

Carnival _____ Fireworks _____ Arts Wedding Ceremony _____ Wedding Reception _____ Picnic/BBQ _____

Open to the Public _____ Age-Restricted _____ Invitation Only _____ Vigil _____ Demonstration _____ March _____

Fundraiser _____ Other (please specify): _____

Name of Organization: Lewiston Public Library For-Profit _____ Non-Profit

Organization Address: 200 Lisbon St. City: Lewiston

Organization Daytime Telephone: (207) 513-3119

Applicant Name: Glynnis Nadel/Marcela Peres Title: Library Director (Marcela)

Applicant Telephone: 859351806 (Glynnis) Applicant Email: g.nadel@gmail.com

On-site Manager Name (day of event): TBD Cell: _____

At-A-Glance / Staff Use Only *City-Sponsored*

EVENT NUMBER: _____ Calendar _____ E-Folder _____ DB _____ EM Staff _____

\$50 Processing Fee N/A 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 _____



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	_____	Amphitheater	_____	\$60 hr. \$25 hr.
Dufresne Plaza	\$150	_____			
Kennedy Park	no charge	_____	Gazebo	_____	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 It is possible we will want to use body mics for the performers

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

Live Performance Yes No _____ Please describe Theatre - Shakespeare

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

City Council approval is required

Food Yes _____ No Sold _____ Given Away _____ Type _____

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 JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for the Annual Great Falls Balloon Festival.

INFORMATION:

The Great Falls Balloon Festival, Inc., an independent non-profit organization, is planning to hold its twenty-seventh annual festival on August 16 - 18, 2019.

The focus of the festival is to provide a family oriented celebration, promote community pride, and provide an attraction for summer tourists and regional visitors to the Lewiston-Auburn area.

The Festival organizers are planning to hold outdoor music concerts as part of the Festival and are seeking permission for an Outdoor Entertainment permit.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Simard-Payne Memorial Park on August 16-18, 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: 2/26/19

Event and Organizer Information

Event Name: Great Falls Balloon Festival Event Location: Simard Payne Memorial
Requested Date(s) 8/16/19 Rain Date (if applicable) None Recurring Dates 8/17/1 & 8/18/19
Actual Hours of Event 6am to 10pm Set up: 8/11/ Tear Down: 8/21/
Type of Event (check all that apply): Park Use Only [X] Gazebo Use [] Amphitheater Use []
First-time Event [] Repeat Event [X] Attendance (25+) [] (1,000+) [X] (requires CC approval)
Walk/Run [] Road Race [] Festival [X] Concert [] Live Performance [X] Parade [X]
Carnival [X] Fireworks [] Arts [] Wedding Ceremony [] Wedding Reception [] Picnic/BBQ []
Open to the Public [X] Age-Restricted [] Invitation Only [] Vigil [] Demonstration [] March []
Fundraiser [] Other (please specify): []

Name of Organization: Great Falls Balloon Festival Inc For-Profit [] Non-Profit [X]
Organization Address: P.O. Box 1238 City: Auburn, Maine
Organization Daytime Telephone: 207 212 4921

Applicant Name: Tracy A. Collins Title: GFBF President
Applicant Telephone: 207 212 4921 Applicant Email: info@greatfallsballoonfestival.org
On-site Manager Name (day of event): Tracy A. Collins Cell: 207 212 4921

At-A-Glance / Staff Use Only

EVENT NUMBER: [] Calendar [X] E-Folder [X] DB [X] EM Staff []
\$50 Processing Fee \$50 CK 1001 CC [] CASH [] Park Fee(s) [] Clerk Fee(s) [] Date []
NP Paperwork: on file [] 501C3 [] IRS Letter [] Form 990 [] COI: [] Date []

REVD 2/26/19 15 CC USE FAX

Fee Waiver Request [] Schedule A [] Fundraiser [] Maps Submitted [X] Park map SPP Parade, Fest. Zone

Event Staff-Organizer Meeting Date []
Outdoor Entertainment [X] Detour/Road Closure [X] Fire Review [X]
Sound Amplification [X] EMR Group Notification [X] Electrical Access [X]
Outside Alcohol [] Business Contact Plan [] Dig-Safe [X]
Vendor/Flea Market Permit [X] Police Assistance [X] Water Access [X]

Festival Zone Designation []

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Administrative Code to establish a Housing Committee.

INFORMATION: During the City Council’s planning session in 2018, the possibility of establishing a Housing Committee was discussed. This suggestion was reinforced by the final report of the Ad Hoc Committee on Rental Registration, which suggested that a standing Housing Committee be established and detailed some of its roles and responsibilities. The attached Ordinance would establish such a Committee and charge it with advising the City Council on the full range of housing issues facing the community. It would be specifically charged with monitoring and assisting in the implementation of the comprehensive plan’s housing recommendations, monitoring and assisting in implementing and evaluating the City’s rental registration program, and advising the Council and staff on residential development projects and housing programs funded through the Community Development Block Grant Program.

An initial draft of this ordinance was reviewed by the Council in a workshop held in June. At that time, a number of changes were recommended, including requiring City Council confirmation of the Mayor’s appointments to the Committee, expanding the requirement that its members, with the exception of the representative from the Lewiston Area Public Health Committee, be residents of the community, and changing the method of selecting the Committee chair from appointment by the Mayor to selection by the Committee members. Given that discussion and the changes that have been made in the original draft, a marked up copy of the draft ordinance is attached so that the Council can clearly see what has been changed.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/klmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendments to the City Code of Ordinances, Chapter 2 “Administration”, Sections 225-229, “Housing Committee”, 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..



ORDINANCE

ORDINANCE, ESTABLISHING THE HOUSING COMMITTEE

The City of Lewiston Hereby Ordains that the Code of Ordinances be Amended by Adding new Sections 2-225 through 2-229 for the Purpose of Establishing a Standing Housing Committee.

Section 2-225. Purpose

The Housing Committee is charged with advising the City Council on the full range of housing issues facing the community with the goal of ensuring the quality and safety of the City's residential housing stock, expanding the diversity of housing options and types, and providing safe and healthy housing alternatives for current and future residents of every socioeconomic status.

Section 2-226. Duties

The Committee shall:

- (1) Monitor and assist in the implementation of the Housing recommendations outlined in the City's comprehensive plan, Legacy Lewiston, and recommend updates and revisions to that section of the plan;
- (2) Monitor and assist in the implementation and evaluation of the City's rental registration program;
- (3) Review and advise the City Council on residential development projects requiring actions by the City Council;
- (4) Recommend measures the City might undertake to improve the quality and diversity of the residential housing stock in Lewiston, including steps to address lead poisoning prevention.
- (5) Review and advise staff and City Council on housing programs funded through the Federal Community Development Block Grant Program and other federal and state funding sources.
- (6) Undertake other assignments as the City Council may request from time to time.

Section 2-227. Composition and Appointment.

The Committee shall be composed of eleven members appointed by the Mayor and confirmed by the city council for staggered three-year terms, with the exception of the City Council member who shall be appointed for a one-year term annually in January of each year. Except as noted below, members shall be residents of the city. Initial terms shall be assigned at the time of initial appointment as follows:

- (1) One owner of a multi-unit property in Lewiston, initially appointed to a one-year term;
- (2) One owner of a multi-unit property in Lewiston, initially appointed to a two-year term;

[Type text]

- (3) One tenant of a multi-unit property in Lewiston, initially appointed to a one-year term;
- (4) One tenant of a multi-unit property in Lewiston, initially appointed to a two-year term;
- (5) One Lewiston home owner, initially appointed to a one-year term;
- (6) One Lewiston home owner, initially appointed to a two-year term;
- (7) One representative of the LA Public Health Committee who may or may not be a resident of the city, initially appointed to a three-year term;
- (8) A representative of a financial institution with a presence in Lewiston that lends to home owners and/or residential developers, initially appointed to a three-year term;
- (9) A residential developer or real estate professional, initially appointed to a three-year term;
- (10) A representative of an agency or firm that owns or operates a multi-unit property in Lewiston providing affordable workforce or elderly housing and whose position is of a level and nature that allows it to exercise influence over the financing, development, or operation of such property, initially appointed to a three-year term;
- (11) A City Council member.

With the exception of the City Council member, the first year of each term of initial appointees or their replacements will expire as of January 1, 2021.

The members of the Committee shall annually elect one of its members to serve as Committee Chair.

Section 2-228. Vacancies.

Vacancies on the Committee shall be filled by the Mayor in accordance with the requirements of Section 2-227.

Section 2-229. Procedures.

- (1) A quorum shall consist of at least six (6) members of the Committee.
- (2) In the absence of rules and procedures adopted by the Committee by a majority of members present and voting, the Committee shall operate under Roberts Rules of Order.
- (3) The City Administrator or designee shall be responsible for supporting the work of the committee and handling committee logistics.

ORDINANCE, ESTABLISHING THE HOUSING COMMITTEE

Be it Ordained, that the Code of Ordinances be Amended as follows:

Section 2-225. Purpose

The Housing Committee is charged with advising the City Council on the full range of housing issues facing the community with the goal of ensuring the quality and safety of the City's residential housing stock, expanding the diversity of housing options and types, and providing safe and healthy housing alternatives for current and future residents of every socioeconomic status.

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The Committee shall:

- (1) Monitor and assist in the implementation of the Housing recommendations outlined in the City's comprehensive plan, Legacy Lewiston, and recommend updates and revisions to that section of the plan;
- (2) Monitor and assist in the implementation and evaluation of the City's rental registration program;
- (3) Review and advise the City Council on residential development projects requiring actions by the City Council;
- (4) Recommend measures the City might undertake to improve the quality and diversity of the residential housing stock in Lewiston, including steps to address lead poisoning prevention.
- (5) Review and advise staff and City Council on housing programs funded through the Federal Community Development Block Grant Program and other federal and state funding sources.
- (6) Undertake other assignments as the City Council may request from time to time.

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The Committee shall be composed of eleven members appointed by the Mayor and confirmed by the city council for staggered three-year terms, with the exception of the City Council member who shall be appointed for a one-year term annually in January of each year. Except as noted below, members shall be residents of the city. Initial terms shall be assigned at the time of initial appointment as follows:

- (1) One owner of a multi-unit property in Lewiston, initially appointed to a one-year term;
- (2) One owner of a multi-unit property in Lewiston, initially appointed to a two-year term;
- (3) One tenant of a multi-unit property in Lewiston, initially appointed to a one-year term;
- (4) One tenant of a multi-unit property in Lewiston, initially appointed to a two-year term;
- (5) One Lewiston home owner, initially appointed to a one-year term;
- (6) One Lewiston home owner, initially appointed to a two-year term;
- (7) One representative of the LA Public Health Committee who may or may not be a resident of the city, initially appointed to a three-year term;
- (8) A representative of a financial institution with a presence in Lewiston that lends to home

- owners and/or residential developers, initially appointed to a three-year term;
- (9) A residential developer or real estate professional, ~~who is not required to be Lewiston resident~~, initially appointed to a three-year term;
 - (10) A representative of an agency or firm that owns or operates a multi-unit property in Lewiston providing affordable workforce or elderly housing, and whose position is of a level and nature that allows it to exercise influence over the financing, development, or operation of such property, initially appointed to a three-year term;
 - (11) A City Council member.

With the exception of the City Council member, the first year of each term of initial appointees or their replacements will expire as of January 1, 2021.

The ~~members of the Committee shall annually elect~~ Mayor shall designate one of its members ~~of the Committee~~ to serve as Committee Chair.

Section 2-228. Vacancies.

Vacancies on the Committee shall be filled by the Mayor in accordance with the requirements of Section 2-227.

Section 2-229. Procedures.

- (1) A quorum shall consist of at least six (6) members of the Committee.
- (2) In the absence of rules and procedures adopted by the Committee by a majority of members present and voting, the Committee shall operate under Roberts Rules of Order.
- (3) The City Administrator or designee shall be responsible for supporting the work of the committee and handling committee logistics.

LEWISTON CITY COUNCIL
MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing and Final Passage for Land Use Code Amendments regarding Nursery Schools.

INFORMATION:

This proposed amendment addresses the issue of Nursery Schools and changing their designation under the City Code from Academic Institutions to Child Care Facilities. The Planning Board voted at their June 10 meeting to send a favorable recommendation to the City Council regarding this amendment. Please see the agenda material for additional background on this request.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendment to Appendix A, Article II, "Definitions" and Article XI, "District Regulations", of the City Zoning and Land Use Code, concerning changes to the definition and classification of Nursery Schools, receive final passage by a roll call vote.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council

FROM: Douglas Greene, City Planner

DATE: June 18, 2019

RE: Planning Board Recommendation: Nursery School Text Amendment

The Planning Board took the following action at their meeting held on June 10, 2019:

MOTION: by **Lucy Bisson**, pursuant to Article VII (Planning Board- Powers and Duties), Section 4 and Article XVII (Amendment and Other Legal Provisions), Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council for a text amendment to Article II, Definitions, to add a definition of Nursery Schools and to Article XI, District Regulations, Section 22, Land Use Table to change the land use designation for Nursery Schools from Academic Institutions and to allow Nursery Schools in zoning districts in which child care facilities are currently permitted with the findings:

- the applicant has submitted a certified petition
- the definition of Nursery Schools will clarify the use and criteria for approval
- the application is consistent with the goals and objectives of the Legacy Lewiston 2017 Comprehensive Plan.

Second by **Kristine Kittridge**.

VOTED: 6-0 (Passed)



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board

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

DATE: June 10, 2019

RE: Proposed Nursery School Text Amendment

Pursuant to Article XVII, Section 5 of the Zoning and Land Use Code, Michelle Roberts, has submitted a petition to amend the Zoning Ordinance, by adding a definition for Nursery School in Article II, Definitions and to change the land use designation for Nursery Schools from Academic Institutions to uses similar to Childcare Facilities in Article XI, District Regulations, Section 22, Land Use Table (Small Day Care Facilities, Day Care Centers and Day Care Centers accessory to public schools, religious facilities, multifamily or mixed res. developments and mobile home parks).

The proposed definition of Nursery Schools includes 7 specific criteria, 4 come directly from the State of Maine's definition of Nursery Schools and the 3 additional criteria would be imposed on Nursery Schools in the Neighborhood Conservation "A" (NCA) district. The criteria applied in the NCA district will limit the number of students to no more than 20 students per session, be on property a minimum of 1 acre in size and require the Nursery School to be accessory to a single family residence. The criteria specific to the NCA district will limit the size of the Nursery School and ensure it fits into a neighborhood setting.

As noted in the "Reasons for the Proposed Amendment", The Planning and Code Enforcement Office currently interprets and includes Nursery Schools in the Academic Institution Land Use category. *"Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures"*. (Article XI, Section 22 Land Use Requirements)

The Staff is supportive of the text amendment for Nursery Schools, as per the proposed definition, which is more similar in nature to Child Care Facilities than academic institutions and would therefore be an appropriate use in zoning districts as is currently allowed for Child Care Facilities. The Staff looked at the zoning ordinance Land Use Chart and compared what districts were listed as permitted, conditional or prohibited uses for Child Care Facilities and applied

those standards to Nursery Schools. Based on that evaluation, the text amendment is proposing the following Land Uses for Nursery Schools. (See attached Land Use Chart)

Permitted Use: Riverfront (RF), Office Residential (OR), Downtown Residential (DR), Institutional Office (IO), Community Business (CB), Highway Business (HB), Centreville (CV), Office Service (OS), Industrial (I), Urban Enterprise (UE) and Mill (Mill).

Conditional Use: Rural Agriculture (RA), Low Density Residential (LD), Suburban Residential (SR), Medium Density Residential (MR), Neighborhood Conservation "B" (NCB) and Neighborhood Conservation "A" (NCA).

Prohibited Use: Resource Conservation (RC)

In addition, the definition for Nursery Schools adds the following criteria for Nursery Schools in the Neighborhood Conservation "A" district:

- limiting the number of children to no more than 20 per session
- requiring the property to be a minimum of 1 acre in size and
- the Nursery School be accessory to a single family residence

The Staff analyzed how many single family NCA lots over 1 acre there are in Lewiston. Out of a total 6,047 NCA parcels, 157 are 1 acre or greater.

Planning Board Action:

Make a motion pursuant to Article VII (Planning Board- Powers and Duties), Section 4 and Article XVII (Amendment and Other Legal Provisions), Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council for a text amendment to Article II, Definitions, to add a definition of Nursery Schools and to Article XI, District Regulations, Section 22, Land Use Table to change the land use designation for Nursery Schools from Academic Institutions to uses similar to Childcare Facilities with the findings:

- the applicant has submitted a certified petition
- the definition of Nursery Schools will clarify the use and criteria for approval
- the application is consistent with the goals and objectives of the Legacy Lewiston 2017 Comprehensive Plan

May 28, 2019

Douglas M. Greene
Deputy Director/City Planner
Lewiston City Hall
27 Pine Street
Lewiston, Maine 04240

Dear Mr. Greene:

Please accept this communication regarding my desired intention to amend the zoning ordinance to allow nursery schools in the Neighborhood Conservation 'A' district as a conditional use. My goal is to have up to 20 children per session.

I have a long term history in providing nurturing and loving care for children. For over 11 years, I have worked to create a solid foundation for young children. Here are a few facts to consider:

1. Children that attend a licensed nursery school are better prepared to enter Kindergarten as they have already achieved a higher level of learning.
2. Children that attend nursery school develop a higher emotional skill set that is exhibited when in social situations.
3. Children that attend nursery school have a greater level of academic achievement in high school as well as a higher success rate of graduating.

My plan would be to offer a nursery school setting in order to provide an alternative to the public and their children. There is current only one other private nursery school in the City of Lewiston. In addition, public nursery schools require the child to be, at minimum, four years of age. My nursery school program will allow children to attend starting at age three to capture those children that are ready to start their learning process.

The 2017 Lewiston Comprehensive Plan talks about how Lewiston is changing and wanting to challenge each citizen to participate and take on a role no matter how large or small. It also talks about the cities limited financial resources to implement the concepts in the Comprehensive Plan and how you need the people of Lewiston to will this change into existence with their time, sweat, passion and perseverance. We are not coming to you asking for money, we are using our own resources to add something positive to the city of Lewiston and to the education for the

youth of the city, the next generation. In addition, the Comprehensive Plan also mentions small businesses on page 168.

“Promote Grassroots Initiatives

Smaller, incremental, and uniquely Lewiston initiatives are just as important to economic growth as large-scale investments. Lewiston has a significant population of young adults, an age group has untapped potential and will likely be a driving force behind future grassroots planning and business initiatives.”

In closing, I would like to thank you for the opportunity to submit my preliminary letter of interest. I sincerely appreciate your consideration of this request.

Respectfully,

A handwritten signature in black ink, appearing to read "Michelle H. Roberts". The signature is fluid and cursive, with a large loop at the end.

Michelle Roberts
Itty Bitty Childcare

PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

Pursuant to Appendix A, Article XVII, Section 5, Amendments, of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to amend the following sections of the Zoning Ordinance:

1. Article II, Definitions, add the following:

Nursery School means a house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program which provides care for three (3) or more children, who are between the ages of thirty-three (33) months and under eight (8) years of age, provided that:

1. No session conducted for the children is longer than three and one half (3 ½) hours in length;
2. No more than two (2) sessions are conducted per day;
3. Each child in attendance at the nursery school attends only one session per day; and
4. No hot meal is served to the children.
5. Nursery schools in the Neighborhood Conservation "A" (NCA) are limited to no more than 20 children per session.
6. Nursery schools in the Neighborhood Conservation "A" (NCA) area limited to properties containing a minimum of one (1) acre in size.
7. Nursery schools in the Neighborhood Conservation "A" (NCA) shall be accessory to a single family dwelling.

2. Article XI, Section 22 Land Use Requirements, Land Use Table, create a separate land use category "Nursery Schools" as a Permitted use in the Riverfront (RF), Office Residential (OR), Downtown Residential (DR), Institutional Office (IO), Community Business (CB), Highway Business (HB), Centreville (CV), Office Service (OS), Industrial (I), Urban Enterprise (UE) and Mill (M) Districts and as a Conditional Use in the Rural Agriculture (RA), Low Density Residential (LDR), Suburban Residential (SR), Medium Density Residential (MDR), Neighborhood Conservation "B" (NCB) and Neighborhood Conservation "A" (NCA) zoning district.

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Lynnette Morency	12 Bellegrade Ave Lewiston	5/18/19
2		coleman morency	12 Bellegrade Ave Lewiston	5-13-19
3		Karen Bate	11638 Main St Lewiston	5-17-19
4		Linda Giroux	20 TALL Pines Dr. Lewiston	5-18-19
5		Anna Child	15 Tarr Ave	5-18-19
6		Kara Child	65 Cream AVE	5-18-19
7		Anna Martin	510 Mark St.	5-18-19
8		Stefan Martin	56 Mark St.	5-18-19

9	<i>Cynthia K. Martin</i>	CYNTHIA MARTIN	56 MARK ST.	5-18-19
10	<i>Cherouage</i>	CHRISTINE BEAUCAGE	79 Gayton Rd.	5-19-19
11	<i>Anita Marcoux</i>	ANITA MARCOUX	8 Donnelly St	5/20/19
12	<i>Brandon Marcoux</i>	BRANDON MARCOUX	8 Donnelly St	5-20-19
13	<i>Felicia Marcoux</i>	FELICIA MARCOUX	8 Donnelly St	5-20-19
14	<i>Anita Schenk</i>	ANITA SCHENK	211 RANDALL RD.	5-22-19
15	<i>Lisa-Mare Sasseville</i>	LISA-MARE SASSEVILLE	6 Donnelly St.	5-22-19
16	<i>Randall Schenk</i>	RANDALL SCHENK	12 GINA ST.	5-22-19
17	<i>Brenda Gauvin</i>	BRENDA GAUVIN	211 RANDALL RD	5-22-19
18	<i>Chelsey Dugal</i>	CHELSEY DUGAL	18 Richard Terrace	5-22-19
19	<i>Courtney Vincent</i>	COURTNEY VINCENT	33 Grove St	5-23-19
20	<i>Justin Vincent</i>	JUSTIN VINCENT	33 Grove St	5-23-19

CIRCULATOR=S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.

Michelle N. Roberts
Signature

Michelle N. Roberts
Printed Name of Circulator

5-23-19
Date

REGISTRAR=S CERTIFICATION

I hereby certify and verify that the names of all of the petitions listed as valid appear on the voting list of registered voters in the City of Lewiston.

Total Valid: 18

Total Invalid: 2

Erica [Signature]
Signature of Registrar/Deputy Registrar

Date: 5/24/19

AN ORDINANCE PERTAINING TO NURSERY SCHOOLS

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 II. DEFINITIONS**

Sec. 2 Definitions

Nursery School means a house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program which provides care for three (3) or more children, who are between the ages of thirty-three (33) months and under eight (8) years of age, provided that:

1. No session conducted for the children is longer than three and one half (3 ½) hours in length;
2. No more than two (2) sessions are conducted per day;
3. Each child in attendance at the nursery school attends only one session per day;
4. No hot meal is served to the children.
5. Nursery schools in the Neighborhood Conservation "A" (NCA) District shall be limited to no more than 20 children per session.
6. Nursery schools in the Neighborhood Conservation "A" (NCA) Districts shall be limited to properties containing a minimum of one (1) acre in size.
7. Nursery schools in the Neighborhood Conservation "A" (NCA) District shall be accessory to a single family residence.

ARTICLE XI. DISTRICT REGULATIONS

Sec. 22. Land Use Requirements, (c) Land Use Table (See attached Land Use Chart)

REASONS FOR THE PROPOSED AMENDMENT

The purpose of the proposed amendment is to define Nursery Schools and make them easier to establish but not be detrimental to surrounding properties. Nursery Schools are not specifically mentioned in Article XI, Section 22 Land Use Requirements and Land Use Chart. The Planning and Code Enforcement Office currently interprets and places Nursery Schools in the Academic Institution Land Use category. "*Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures*". (Article XI, Section 22 Land Use Requirements) In addition to the Land Use designation, Nursery Schools are not defined in the zoning ordinance. The text amendment proposed a new definition.

A petition for a text amendment with 10 certified signatures has been submitted, which seeks to define Nursery Schools and move Nursery Schools out of the Academic Land Use Category to allow Nursery Schools in zoning districts in which child care facilities are currently permitted as per Article XI, District Regulations, Section 22, Land Use Table (Small Day Care Facilities, Day Care Centers and Day Care Centers accessory to public schools, religious facilities, multifamily or mixed res. developments and mobile home parks).

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

The 2017 Legacy Lewiston Comprehensive Plan is somewhat silent with regards to child care facilities and early childhood education. The applicant's cover letter mentions how Lewiston is changing and challenges each citizen to participate and take on a role no matter how large or small. She also describes how the city's limited financial resources delays the implementation of the Comprehensive Plan's goals. The people of Lewiston can help to the implementation process with their time, sweat, passion and perseverance. We are not coming to you asking for money, we are using our own resources to add something positive to the city of Lewiston and to the education for the youth of the city, the next generation. In addition, the Comprehensive Plan also mentions small businesses on page 168.

"Promote Grassroots Initiatives

Smaller, incremental, and uniquely Lewiston initiatives are just as important to economic growth as large-scale investments. Lewiston has a significant population of young adults, an age group has untapped potential and will likely be a driving force behind future grassroots planning and business initiatives."

Proposed Text Amendment to Add Nursery School in Land Use Chart

Land Use Table: All Zoning Districts 05.05.16	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF)	Neighborhood Conservation on "A" (NCA)	Neighborhood Conservation on "B" (NCB)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centerville (CV) ₀₆	Office Service (OS)	Industrial (I)	Urban Enterprise (UE)	Mill (M)	Resource Conservation (RC) (18)	Groundwater conservation Overlay (GC) ₀₆	No Name Pond Conservation Overlay (NNP) ₍₂₉₎	Mobile Home Park Overlay (MH) ₀₆	
USE 6(9)(33)																						
Accessory use or structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Commercial-Service																						
Veterinary facilities excluding kennels and humane societies								P		P	P	P				P						
Veterinary facilities including kennels and humane societies	C													P		P						
Nursery School	C	C(22)	C(22)	C(22)	P	C	C	P	P	P	P	P	P	P	P	P	P					
Small day care facilities	C	P(22)	P(22)	P(22)		P(22)	P	P	P	P	P	P	P	P	P	P	P					
Day care centers	C							P	P	P	P	P	P	P	P	P	P					
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks		C(22)	C(22)	C(22)		C(22)	C(22)															
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services					P(9)		C(31)	P(9)	P(9)	P	P(9)	P	P(9)	P	P	P	P	P(6)				
Restaurants					P(1)				P(1)	P(5)	P(26)	P(26)	P(1)	P	P(6)	P	P(1)					
Drinking places					P					C	C	C	P		P(6)	P	P					
Adult business establishments											C	C			P(6)							
Hotels, motels, inns					P				C	P(4)	P	P	P	P		P	P					
Movie theaters except drive-in theaters					P				P		P	P	P	P		P	P					
Places of indoor assembly, amusement or culture					P				P	C	P	P	P	P	P	P	P					
Art and crafts studios					P		C		P	C	P	P	P	P	P	P	P					
Personal Services					P		P	P	P	P	P	P	P	P	P(6)	P	P					
Retail stores					P				P		P	P	P	P	P(6)	P	P					
Neighborhood retail stores							C(21)				C											
Lumber and building materials dealer											C	P					P	P				
Gasoline service stations											P	P					P					
Gasoline service stations which are a part of and subordinate to a retail use												P										
New and used car dealers												P					P(17)					
Recreational vehicle, mobile home dealers												P					P					
Equipment dealers and equipment repair												C			P		P					
Automotive services including repair											P(9)	P					P			C(9)		
Registered dispensary(27)												C		C	C	C						
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.												P		P	P	P						
Tattoo Establishments											C	C										
Industrial																						
Light industrial uses												P(9)	P(9,38)	P	P	P	P					
Industrial uses													P(16)		P	C	C					
Building and construction contractors												P(6)		P(6)	P(6,7)	P(6,7)	P(6,7)					
Fuel oil dealers and related facilities															P	P(6,7)						
Wholesale sales, warehousing and distribution facilities and self-storage facilities												P		P	P	P	P					
Self storage facilities														P		P	P					
Commercial solid waste disposal facilities															C							
Junkyards and auto graveyards															C							
Recycling and reprocessing facilities															C	C	P(9)					
Private industrial/commercial developments(23)											P	P		C	P	P	P					
Transportation																						
Airports or heliports	C																					
Commercial parking facilities					P		C		C(3)	C	C	P	P			P	P					
Transit and ground transportation facilities					P				C				P									
Transportation facilities												P		C	P	P	P(16)					
Public and Utility																						
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					
Municipal buildings and facilities	C	C	C	C	P	C	C	C	P	C	P	P	P	P	P	P	P	C				
Preservation of historic areas, emergency and fire protection activities, bridges and public roadways																						
Dams																						

Proposed Text Amendment to Add Nursery School in Land Use Chart

Land Use Table: All Zoning Districts 05.05.16	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF)	Neighborhood Conservation "A" (NCA)	Neighborhood Conservation "B" (NCB)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centreville (CV) _{am}	Office Service (OS)	Industrial (I)	Urban Enterprise (UE)	MM (M)	Resource Conservation (RC) (18)	Groundwater conservation overlay district (GC) _{am}	No Name Pond Conservation Overlay (NPN) ₍₂₅₎	Mobile Home Park Overlay (MH) _{am}
Institutional																					
Religious facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P				
Cemeteries	P	P	P	P		P	P														
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities				C	P		C	P	P	P	P	P	P	P		P	P				
Hospitals, medical clinics					P		C	P	C	P	P	P	P	P		P	P				
Museums, libraries, and non-profit art galleries and theaters					P				P	P			P				P				
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or				C(13)	P		C(13)	C	P	P(12)(24)	P	P	P	P	P	P	P				
Civic and social organizations							C	P		C											
Public community meeting and civic function buildings including auditoriums					P				P	P							P				
Residential																					
Single-family detached dwellings on individual residential lots	P(8)	P	P	P		P	P(2)	P	P(11)	P(2)											
Mobile homes on individual residential lots	P(8)					P(35)															
Two-family dwellings				P		P		P	P												
Multi-family dwellings in accordance with the standards of Article XIII				P(34)	P(11)		P(37)	P	P	P(11)	P	P	P(14)			P	P				
Single-Family attached dwelling in accordance with the standards of Article XIII	C			P(34)	P(11)			P	P	P(11)	P										
Mixed single-family residential developments in accordance with the standards of Article XIII	C	P		P				P													
Mixed residential developments in accordance with the standards of Article XIII		P		P				P													
Mixed use structures					P(11)			P		P	P	P									
Lodging houses								P		P(11)											
Home occupations	P	P	P	P		P	P	P	P	P	P										
Bed and breakfast establishments as a home occupation	P	P	P	P		P	P	P	P	P	P										
In-law apartments in accordance with the standards of Article XII	P	P	P	P		P	P	P	P												
Single family cluster development	P	P	P	P																	
Family day care home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Shelters								C		C											
Dormitories												P									
Natural Resource																					
Agriculture	P(8)																				
Farm Stands	P																				
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P	P		P	P	P			P	P		P	P	P					
Earth material removal	C													C	C						
Community gardens (20)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Water dependent uses, e.g. docks and marinas					P																
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet																					
Recreation																					
Campgrounds	C																				
Public or private facilities for nonintensive outdoor recreation	C	C	C	C	P	C	C	C	C												
Commercial outdoor recreation and drive-in theaters					P						C	C		C							
Fitness and recreational sports centers as listed under NAICS Code 713940					P			P			P	P	P	P	P	P					

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET: AGENDA ITEM NO. 7

SUBJECT:

Condemnation Hearing for the building located at 16 Merton Boulevard.

INFORMATION:

The City has begun the process for condemnation of the property at 16 Merton Boulevard under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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1) To conduct a hearing to determine if the building located at 16 Merton Boulevard has met the dangerous building statutes as defined in Title 17, sec. 2851 et all.

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

2) With regard to the property at 16 Merton Boulevard, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

**CITY OF LEWISTON CITY COUNCIL
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER OF DEMOLITION**

16 MERTON BOULEVARD

On July 16, 2019 at 7:00 pm, the Lewiston City Council held a hearing at 27 Pine Street in Lewiston, Maine to determine whether the residential structure located at 16 Merton Boulevard in Lewiston, Maine (the "Structure") is a nuisance or dangerous pursuant to 17 M.R.S. § 2851 and whether it must be secured pursuant to 17 M.R.S. § 2856. Based on the information presented at the hearing, the Council makes the following findings of fact and conclusions of law, and orders that the Structure be secured and demolished.

Findings of Fact

Present at the hearing on this matter for the City were David Hediger, Director of Planning and Code Enforcement, and Nicholaus Richard, Code Enforcement Officer. The following individual appeared on behalf of the parties in interest: _____.

After considering the testimony and evidence presented, the City Council makes the following findings of fact:

1. Luke Lebel ("Owner") owns the Structure. Planning Department Exhibit A.
2. The Structure is located on land ("Parcel"), which is identified as Parcel ID 00-020426 and Parcel ID 00-008363 on the City of Lewiston Tax Maps, owned by Franklin Property Trust LLC, encompassing 16 Merton Boulevard, and which is further described in a deed recorded in the Androscoggin County Registry of Deeds at Book 7352, Page 348. Planning Department Exhibits B and C.
3. On June 13, 2019, a copy of the notice of hearing to be held pursuant to 17 M.R.S. § 2851 (the "Notice") was recorded in the Androscoggin County Registry of Deeds at Book 10102, Page 115. Planning Department Exhibit D.
4. The Owner was served with a copy of the Notice on June 26, 2019. Planning Department Exhibit E.
5. Franklin Property Trust was served with a copy of the Notice on June 13, 2019. Planning Department Exhibit F.
6. Auburn Savings Bank (f/k/a Auburn Savings and Loan Association) has an encumbrance on the Structure.
7. Auburn Savings Bank was served with a copy of the Notice on June 13, 2019. Planning Department Exhibit G.
8. The electrical wiring in the Structure is compromised and cannot be safely used.
9. In many areas inside and outside the Structure, electrical wiring is exposed, improperly installed or inappropriately used.
10. The oil tank fell over at least two months ago and has not been set upright and stabilized.
11. The roof, foundation and siding are in disrepair, allowing environmental elements into the Structure, causing deterioration to structural components.
12. Rainwater has infiltrated the roof and exterior walls, leaked through the ceilings and down interior walls, and accumulated in the basement.
13. Structural elements have deteriorated.

14. Mold and mildew has grown throughout the Structure.
15. The Structure lacks operable smoke alarms.
16. Plumbing throughout the Structure is improperly installed and inadequately maintained.
17. The Structure is abandoned.
18. Discarded household items, trash, and construction demolition debris are strewn about the Parcel.
19. Weed height on the Parcel exceeds 12 inches.
20. The Structure's exterior siding is unfinished.
21. The Structure and Parcel do not show evidence of maintenance.

Conclusions of Law

Applying the legal standards set forth in 17 M.R.S. § 2851, the Lewiston City Council reaches the following conclusions of law:

22. The Structure is unsanitary.
23. The Structure is unsuitable and improper for use as a residential dwelling.
24. Conditions outside the Structure and on the Parcel create a risk of environmental contamination, which is also a hazard to health or safety and dangerous to life or property.
25. The Structure and conditions on the Parcel create a fire hazard.
26. The Structure is unsuitable for the use to which it is put.
27. The Structure constitutes a hazard to health and safety due to inadequate maintenance, dilapidation and abandonment.
28. The Structure is dangerous to life and property.
29. The Structure poses a serious threat to the public health and safety.

Any one of conclusions in paragraphs 22 through 28 would be sufficient to support a finding that the Structure is a nuisance or dangerous building, and the Council hereby concludes that the Structure at 16 Merton Boulevard is a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851. The conclusion in paragraph 29 supports a finding that the Structure must be secured pursuant to 17 M.R.S. § 2856, and the Council hereby concludes that the Structure at 16 Merton Boulevard must be secure.

Order

Having found that the Structure at 16 Merton Boulevard is a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851 and that the Structure must be secured pursuant to 17 M.R.S. § 2856, the City of Lewiston City Council hereby ORDERS:

30. That the Owner and/or his successors and/or assigns shall immediately secure the Structure from entry.
31. That the Owner and/or his successors and/or assigns shall keep the structure secure.
32. That within thirty (30) days of service of this Order, the Owner and/or his successors and assigns shall demolish the Structure, remove all debris, and stabilize the site.
33. That if the Owner and/or his successors and assigns fails to comply with this Order in the time frames set forth herein, the City shall have the authority to carry out this Order.

34. That within thirty (30) days after demand by the City, the Owner and/or his successors and assign and/or Franklin Property Trust LLC, and/or its successors and assigns shall reimburse the City for all expenses incurred in connection with this proceeding, including, but not limited to, expenses for securing and maintaining the Structure, service and other costs incurred, and attorneys' fees, if applicable.

35. That if the Owner and/or his successors and assigns and/or Franklin Property Trust LLC and/or its successors and assigns fails to timely reimburse the City for the expenses provided for above, the City shall assess a special tax against the Parcel, as provided for in 17 M.R.S. § 2853 and/or recover its costs by means of a collection action.

This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.

I, Kelly J. Brooks, Deputy City Clerk for the City of Lewiston, certify that on July 16, 2019, the City of Lewiston City Council adopted the above Order.

Dated: July ____, 2019

Kelly J. Brooks
Deputy City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

July ____, 2019

Before me this day personally appeared Kelly J. Brooks who acknowledges the foregoing instrument to be her free act and deed.

Notary Public/Attorney at Law

**LEWISTON CITY COUNCIL MEETING
JULY 16, 2019
DANGEROUS BUILDINGS HEARING
16 MERTON BOULEVARD
CITY OF LEWISTON PLANNING DEPARTMENT EXHIBITS**

BILL OF SALE

Patrick S. & Sandra L. Arthur of 817 Allen Pond Road, Greene, Maine, hereby sell their property at #16 Merton Blvd., Lewiston, Maine; in "as is" condition, with no warranties or guarantees. (Buildings only)

Sold to: Luke Lebel 207-651-4543
189 EAST GRAND AVE.
APT 303
OLD ORCHARD BEACH, ME. 04064

Sold this day: August 17th 2018

Total selling price paid: \$9,000.00 (Nine thousand dollars) ck# 0253

Patrick S. Arthur 8/17/18
Sandra L. Arthur 8/17/18
Emm 8/17/18



TRUSTEE'S DEED

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

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

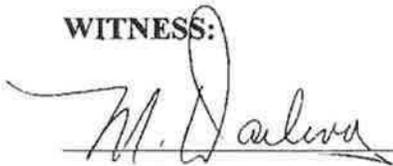
Also conveying all its right, title and interest in and to any and all easements, future interests, water rights, flowage rights, whether on or off record, wherever situated.

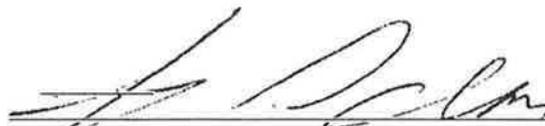
The foregoing shall include so much of those premises owned by the Grantor as are described in the Confirmatory Deed of the liquidating trustee of Franklin Company dated July 19, 1979 and recorded in the Androscoggin County Registry of Deeds in Book 1416, Page 37 et seq.

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

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

WITNESS:




Stanley Sclar, Trustee

NO MAINE R.E.
TRANSFER TAX PAID

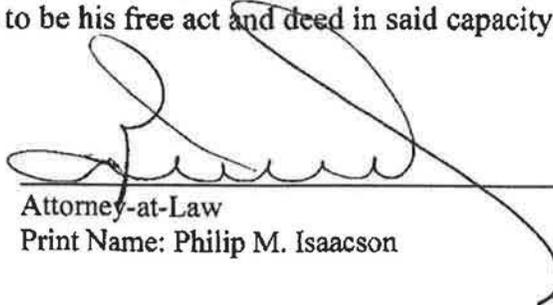
EXHIBIT B

STATE OF MAINE
ANDROSCOGGIN, SS.

JANUARY 16, 2008

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

Before me,



A handwritten signature in cursive script, appearing to read 'Philip M. Isaacson', is written over a horizontal line. The signature is fluid and extends to the right of the line.

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

drc K:\SANDIE\CLIENT\SCLAR\SCAIR PURCHASE\Trustee Deed to Franklin Property Trust LLC.doc

ANDROSCOGGIN COUNTY
Tina M. Charnord
REGISTER OF DEEDS

07610

BOOK 1416 PAGE 37

CONFIRMATORY DEED

Know all men by these presents that Melville Chapin, of Cambridge, County of Middlesex, Nathaniel T. Dexter, of Boston, County of Suffolk, John W. King, of Norwood, County of Norfolk, William J. Speers, Jr., of Winchester, County of Middlesex, Robert S. Swain, of Wayland, County of Middlesex, and Mark C. Wheeler, of Needham, County of Norfolk, all of the Commonwealth of Massachusetts, being all of the survivors of the members of the Board of Directors of the Franklin Company as such Board was constituted at the date of the dissolution of the Franklin Company and thereby being deemed liquidating trustees of said Franklin Company pursuant to Section 1122(2) of Title 13-A of the Revised Statutes of Maine, in their said capacities and pursuant to the authority conferred by the aforesaid statute, and in consideration of One Dollar and other good and valuable considerations paid by Stanley Sclar and Douglas Schair in their capacities as Trustees of the Franklin Property Trust, a realty trust with a principal place of business in Lewiston, County of Androscoggin and State of Maine, receipt of which is hereby acknowledged, do hereby Remise, Release, Bargain, Sell and forever Quit-Claim unto the said Stanley Sclar and Douglas Schair in their said capacities, their successors and assigns forever, the following described pieces or parcels of land or real estate:

The entire fee, including without limitation all our right, title or interest that may exist in the following described streets or ways located in the Cities of Lewiston and Auburn, in the County of Androscoggin and State of Maine, whether now or formerly subject to any public rights-of-way, including any and all air rights appurtenant thereto or associated therewith, to the fullest extent or dimensions to which any of said streets are now or were at any time laid out:

Streets in Lewiston

1. Water Street; (Oxford St. extended); from the southerly sideline of North Street running southerly to the northerly sideline of Cross Canal #1.
2. Lincoln Street; from the southerly sideline of Main Street running southerly to a point whereby if the southerly sideline of Summit Avenue were projected westerly they would intersect.
3. Canal Street; from the southerly sideline of Main Street running southerly to a point where the easterly sideline of Canal Street intersects the westerly sideline of Lisbon Street.
4. Lisbon Street; from the southerly sideline of Main Street running southerly to a point 250' southerly from the southerly sideline of Marston Street.
5. Park Street; from the southerly sideline of Main Street running southerly to the northerly sideline of Willow Street excepting that portion which was sold to the Lewiston Urban Renewal Authority on May 5, 1974, said portion being from the northerly sideline of Ash Street to an extension of the southerly sideline of Oak Street.
6. Middle Street; from the southerly sideline of Main Street running southerly to the northerly sideline of Willow Street excepting that portion which is now Kennedy Park and that part sold to the Lewiston Urban Renewal Authority on May 5, 1974, said portion being from the northerly sideline of Ash Street to the southerly sideline of Oak Street and that portion of Kennedy Park being bounded by the southerly sideline of Pine Street and the northerly sideline of Spruce Street.
7. Bates Street; from the southerly sideline of Main Street running southerly to the northerly sideline of Willow Street.
8. Blake Street; from the southerly sideline of Main Street running southerly to the northerly sideline of Willow Street excepting that portion sold to the Lewiston Urban Renewal Authority on May 5, 1974, said portion being from the northerly sideline of Ash Street to the southerly sideline of College Street.
9. Pierce Street; from the southerly sideline of College Street running southerly to the northerly sideline of Willow Street excepting that portion sold to one Casavant by Franklin Company Deed #2053, said portion being from the northerly sideline of Ash Street to southerly sideline of College Street.
10. Bartlett Street; from the southerly sideline of Sabattus Street running southerly to the northerly sideline of East Avenue.
11. Horton Street; from the southerly sideline of Sabattus Street running southerly to the northerly sideline of Birch Street.
12. Howe Street; from the southerly sideline of Sabattus Street running southerly to the northerly sideline of Birch Street.
13. Shawmut Street; from the southerly sideline of Sabattus Street running southerly to a point 400' southerly of the southerly sideline of Walnut Street.
14. Howard Street; from the southerly sideline of Sabattus Street running southerly to a point 200' southerly of the southerly sideline of Walnut Street.

15. Bradley Street; from the southerly sideline of Sabattus Street running southerly to the northerly sideline of Walnut Street.
16. Jefferson Street; from the southerly sideline of Sabattus Street running southerly to the southerly sideline of Birch Street.
17. Oxford Street; from the southerly sideline of Cross Canal #1 running southerly and easterly to the intersection with the westerly sideline of Lincoln Street.
18. Beech Street; from the easterly sideline of the Androscoggin River to the westerly sideline of Oxford Street.
19. Chestnut Street; from the easterly sideline of Oxford Street running easterly to the westerly sideline of Park Street.
20. Cedar Street; from the thread of the Androscoggin River running northerly and easterly to the westerly sideline of Lisbon Street.
21. North Street; from the westerly sideline of Water Street running easterly to the westerly sideline of Lincoln Street.
22. River Street; from the southerly sideline of Cedar Street running southerly and then easterly to the westerly sideline of Lincoln Street.
23. Locust Street; from the easterly sideline of Lincoln Street running easterly to the westerly sideline of Lisbon Street.
24. Ash Street; from the easterly sideline of Canal Street running easterly to the westerly sideline of Webster Street.
25. Pine Street; from the easterly sideline of Canal Street running easterly to the westerly sideline of Webster Street.
26. Walnut Street; from the easterly sideline of Bates Street running easterly to the westerly sideline of Webster Street.
27. Spruce Street; from the easterly sideline of Park Street running easterly to the westerly sideline of Bates Street.
28. Birch Street; from the easterly sideline of Lisbon Street running easterly to the easterly sideline of Jefferson Street.
29. Maple Street; from the easterly sideline of Canal Street running easterly to the westerly sideline of Pierce Street.
30. Willow Street; from the easterly sideline of Lisbon Street running easterly to the westerly sideline of Bartlett Street.
31. Bleachery Street; from the easterly sideline of Lisbon Street running easterly to a point 150' easterly from the easterly sideline of Lisbon Street.
32. Arkwright Street; from the easterly sideline of Lisbon Street running easterly to the westerly sideline of Hackett Street.
33. Androscoggin Avenue; from the easterly sideline of Lisbon Street running easterly to the westerly sideline of Bartlett Street.
34. Cumberland Avenue; from the westerly sideline of Bartlett street running westerly to the easterly sideline of Lisbon Street except that portion sold to Alan Green et al by Franklin Company Deed #3015.

35. Essex Street; from the westerly sideline of Bartlett Street running westerly to the westerly sideline of Hackett Street.
36. Essex Street; from a point located 192' easterly of the easterly sideline of Lisbon Street running westerly to the easterly sideline of Lincoln Street.
37. East Avenue; from the easterly sideline of Webster Street running westerly and southwesterly to the easterly sideline of Lisbon Street.
38. Marston Street; from the westerly sideline of Pleasant Street running westerly to the easterly sideline of Lisbon Street.
39. O'Connell Street; from the westerly sideline of Pleasant Street running westerly to a point 200' easterly from the easterly sideline of Lisbon Street.
40. Summit Avenue; from the westerly sideline of Lisbon Street running westerly to a point 700' easterly of the easterly sideline of Lincoln Street.
41. Hackett Street; from the southerly sideline of Essex Street running northerly to a point 250' northerly of the northerly sideline of Arkwright Street.
42. Thompson Street; from the southerly sideline of Arkwright Street running southerly to the northerly sideline of Androscoggin Avenue.
43. Hall Street; from the northerly sideline of Androscoggin Avenue running northerly to a point 150' northerly of the northerly sideline of Arkwright Street.
44. Plante Street; from the northerly sideline of Arkwright Street running northerly to a point which is 450' feet northerly of the northerly sideline of Arkwright Street.
45. To a street lying between the easterly sideline of Plante Street and to the westerly sideline of Hackett Street, the southerly sideline of said Street being 200' northerly from the northerly sideline of Arkwright Street.
46. Coburn Street; from the westerly sideline of Hackett Street running westerly to the easterly sideline of Hall Street.
47. Caron Street; starting at a point at the intersection of the southerly sideline of Barron Avenue and the easterly sideline of Jefferson Street running southerly to the northerly sideline of Sylvan Avenue.
48. Germain Avenue; from the southerly sideline of Barron Avenue to the westerly sideline of Sylvan Avenue.
49. Barron Avenue; from the easterly sideline of Jefferson Street running easterly and southerly to the northerly sideline of Sylvan Avenue.
50. Orange Street; from the westerly sideline of Webster Street running westerly to a point 100' westerly of the westerly sideline of Germain Street.
51. Sylvan Avenue; from the westerly sideline of Webster Street running easterly to the westerly sideline of Caron Street.
52. Leeds Street; from the westerly sideline of Webster Street running easterly to the northerly sideline of Pine Street.

53. Beacon Street; from the southerly sideline of Pine Street running southerly to the northerly sideline of Walnut Street.
54. College Street; from the easterly sideline of Holland Street running westerly to the westerly sideline of Blake Street.
55. Oak Street; from the southerly sideline of Sabattus Street running westerly to the westerly sideline of Middle Street.
56. Nichols Street; from the easterly sideline of Campus Avenue running westerly to the northerly sideline of Sabattus Street.
57. Bardwell Street; from the easterly sideline of Campus Avenue running westerly and northerly to the southerly sideline of Nichols Street.
58. Franklin Street; from the easterly sideline of Campus Avenue running westerly and southerly to the southerly sideline of Sabattus Street.
59. Golder Street; from the easterly sideline of Campus Avenue running southerly to the northerly sideline of Sabattus Street.
60. Central Avenue; from the easterly sideline of Russell Street, running westerly to the easterly sideline of Webster Street.
61. Vale Street; from the southerly sideline of Nichols Street running southerly to the northerly sideline of Sabattus Street.
62. Lawrence Street; from the westerly sideline of Vale Street running westerly and southerly to the northerly sideline of Sabattus Street.
63. Sabattus Street; from the southerly sideline of Main Street running easterly to the southerly sideline of Golder Street.
64. Webster Street; from the southerly sideline of Sabattus Street running southerly to the southerly sideline of East Avenue.
65. Russell Street; from a point 625' northerly of the northerly sideline of Central Avenue running southeasterly to a point 775' southeasterly of the southerly sideline of Central Avenue.
66. Main Street; from the easterly sideline of Hammond Street running westerly to the thread of the Androscoggin River.
67. Vine Street; from a point 325' easterly from the easterly sideline of Lisbon Street running to a point 275' westerly of the westerly sideline of Lisbon Street.
68. Oxford Street Court; from the easterly sideline of Oxford Street running easterly to a point 125' easterly of the easterly sideline of Oxford Street.
69. Bridge Street; from the northerly sideline of Avon Street running southerly to the southerly sideline of High Street.
70. Hammond Street; from the northerly sideline of High Street running southerly to the northerly sideline of Main Street.
71. West Bates Street and Middle Street; from the northerly sideline of Avon Street running southeasterly, southwesterly and southerly to the northerly sideline of Main Street.

72. Bates Street; from the northerly sideline of Main Street running northerly and easterly to the westerly sideline of Bridge Street.
73. Lowell Street; from the easterly sideline of Chapel Street running easterly to the westerly sideline of Hammond Street.
74. Chapel Street; from the northerly sideline of Main Street running northerly to a point 460' northerly of the northerly sideline of Lowell Street.
75. Middle Street; from the northerly sideline of Avon Street running southerly to a point 400' southerly from the southerly sideline of Summer Street.
76. Winter Street; from the southwesterly sideline of Bridge Street running northeasterly to the southwesterly sideline of Holland Street.
77. Avon Street; from the northeasterly sideline of Middle Street running northeasterly to a point 1050' northeasterly from the southwesterly sideline of Holland Street.
78. Summer Street; from the northeasterly sideline of Middle Street running northeasterly to the southwesterly sideline of Holland Street.
79. Granite Street; from the easterly sideline of Bates Street running easterly to a point 300' easterly of the easterly sideline of Bates Street.
80. Chapel Street Alley; from the northerly sideline of Main Street running northerly to a point 580' northerly of the northerly sideline of Main Street.
81. Island Avenue; from the northerly sideline of Main Street running northerly to a point 700' northerly of the northerly sideline of Main Street.
82. Mill Street; from the northerly sideline of Main Street running northeasterly, northwesterly and northerly to a point 600' northerly from the northerly sideline of Main Street.
83. Beacon Street Alley; from the southerly sideline of Pine Street running southerly to the northerly sideline of Walnut Street.
84. King Street; from the southerly sideline of Ash Street running southerly to the northerly sideline of Walnut Street.
85. Park Street Alley; from the northerly sideline of Ash Street running southerly to the northerly sideline of Chestnut Street.
86. Canal Street Alley; from the easterly sideline of Canal Street running easterly and southerly to the northerly sideline of Maple Street.
87. Railroad Alley; from the easterly sideline of Lincoln Street running easterly and northerly to a point 575' northerly of the northerly sideline of Cross Street.
88. Hines Alley; from the northerly sideline of Cross Street running southerly to the northerly sideline of Cedar Street.
89. Cross Street; from the westerly sideline of Oxford Street running easterly to a point 100' easterly of the easterly sideline of Lincoln Street.

90. Lincoln Alley; from the southerly sideline of Cross Street running southerly to the northerly sideline of Cedar Street also from the southerly sideline of North Street running southerly to the northerly sideline of Cross Canal #1 excepting that portion sold by Franklin Company deeds No. 2031 and No. 3026.
91. Garnet Avenue; from the easterly sideline of Lisbon Street running easterly and northerly to the southerly sideline of Bleachery Street.
92. Also Scribner Circle, from a point on the northeasterly sideline of Scribner Boulevard, 235' northeasterly from the northeast sideline of Lisbon Street running southeasterly, northeasterly and northwesterly to the northeasterly sideline of Scribner Boulevard.
93. Wood Street; from the westerly sideline of Holland Street running westerly to the northerly sideline of Sabattus Street.
94. Pleasant Street; from the southerly sideline of East Avenue running southeasterly to the southerly sideline of O'Connell Street.
95. Campus Avenue (Skinner Street); from the northerly sideline of Nichols Street running southeasterly to the northerly sideline of Sabattus Street.
96. Also these streets or ways know as Lincoln Terrace, Lincoln Circle, Lincoln Drive, Willow Circle, Merton Boulevard and Sand Hill Road, whether said streets were ever actually laid out or not.

Streets in Auburn

1. Prospect Street (Fairview Street); from the southerly sideline of Court Street running southerly to a point 250' from the southerly sideline of Court Street.
2. Forest Street (Maple Street); from the southerly sideline of Court Street running southerly to a point 640' southerly from the southerly sideline of Court Street.
3. Fairmont Street (Edge Hill Avenue); from the southerly sideline of Court Street running southerly to a point 700' southerly from the southerly sideline of Court Street.
4. South Goff Street (Washington Avenue); from the westerly sideline of Minot Avenue running in a general northerly direction to a point 200' southerly from the southerly sideline of Court Street.
5. Minot Avenue; from the southerly sideline of Court Street running to a point 350' southerly from the intersection of the southeasterly sideline of Minot Avenue and the southeasterly sideline of Elm Street.
6. Railroad Street; from the southerly sideline of Court Street running southerly to the northerly sideline of Drummond Street.
7. Spring Street (Pickard Street); from the northerly sideline of Elm Street running northerly to a point 200' northerly of the northerly sideline of Hampshire Street.
8. Pleasant Street (Kilbourne Street); from the northerly sideline of Elm Street running northerly to the westerly sideline of Turner Street.
9. Drummond Street; from the westerly sideline of Main Street (River Street) running westerly to the easterly sideline of the Androscoggin and Kennebec Railroad right-of-way.
10. High Street; from the southerly sideline of Court Street running southerly to the southerly sideline of Academy Street.
11. Vine Street; from the westerly sideline of Main Street running westerly to the easterly sideline of High Street.
12. Elm Street; from the westerly sideline of Main Street running northwesterly and westerly to the easterly sideline of Minot Avenue.
13. Academy Street; from the westerly sideline of Main Street running westerly and northerly to the southerly sideline of Elm Street.
14. Myrtle Street; from the northerly sideline of Academy Street running northerly to the southerly sideline of Elm Street.
15. Maple Street; from the westerly sideline of High Street running westerly to the easterly sideline of Pleasant Street (Kilbourne Street).

16. Main Street (River Street); from the southerly sideline of Court Street running southerly to a point 1000' southerly from the southerly sideline of Academy Street.
17. Court Street; from the thread of the Androscoggin River running westerly to the intersection of the westerly sideline of Edgemoor Avenue.
18. An alley running from the southerly sideline of Drummond Street to a point 300' southerly of the southerly sideline of Drummond Street, the easterly sideline of said alley being located a distance of 90' from the westerly sideline of Spring Street.
19. School Street (Elm Street); from the westerly sideline of Spring Street (Pickard Street) running westerly and northwesterly to the easterly sideline of Goff Street.
20. Hampshire Street; from the westerly sideline of Turner Street running westerly and northwesterly to the easterly sideline of Goff Street.
21. Pearl Street; from the southerly sideline of Hampshire Street running southerly to the northerly sideline of Elm Street (School Street).
22. Pine Street; from the northwesterly sideline of Pearl Street running northwesterly to the easterly sideline of Goff Street.
23. Oak Street; from the northerly sideline of Pine Street running northeasterly to the southerly sideline of Hampshire Street.
24. Willow Street; from the northwesterly sideline of Pine Street running northeasterly to the southerly sideline of Hampshire Street.
25. Union Street (Main Street); from the northerly sideline of Court Street running northerly and northeasterly to the southwesterly sideline of Turner Street (road from Turner).
26. Summer Street; from the northwesterly sideline of Turner Street running northwesterly to the northwesterly sideline of Dennison Street.
27. Blake Street; from the southeasterly sideline of Winter Street running northeasterly to the southwesterly sideline of Turner Street.
28. Parker Street; from the southeasterly sideline of Winter Street running northeasterly to the southwesterly sideline of Turner Street.
29. Wood Street; from the southwesterly sideline of Winter Street running northeasterly to the southwesterly sideline of Summer Street.
30. Turner Street; from the northerly sideline of Court Street running northerly and northeasterly and northwesterly to a point 400' northerly of the northerly sideline of Dennison Street.
31. French Street; from the northeasterly sideline of Turner Street running northeasterly to a point 775' northeasterly from the northeasterly sideline of Whitney Street.
32. Davis Street; from the northeasterly sideline of Turner Street running northeasterly to the southwesterly sideline of Whitney Street.

33. Vernon Street; from the northeasterly sideline of Turner Street running northeasterly to the westerly sideline of River Road.
 34. Whitney Street; from the westerly sideline of River Road running northwesterly to a point 150' northerly from the northerly sideline of French Street.
 35. Grove Street; from the westerly sideline of River Road running northwesterly to a point 300' northerly from the northerly sideline of Vernon Street.
 36. River Road (Road from Farmington); from the northeasterly sideline of Turner Street running northerly to a point 900' northerly from the intersection of the easterly sideline of Center Street and the westerly sideline of North River Road.
 37. East Whitney Street; from the easterly sideline of River Road running easterly to the west bank of the Androscoggin River.
 38. East Turner Street; from the easterly sideline of River Road running easterly to the west bank of the Androscoggin River.
 39. Troy Street; from the northerly sideline of School Street (Elm Street) running northerly and northeasterly to the westerly sideline of Turner Street.
- Any portions of the following streets nor heretofore conveyed to the Auburn Urban Renewal Authority:
- North Main Street, Franklin Street, Cushing Avenue, Knight Street, Mechanics Row, Miller Street and Packard Street.
40. Dennison Street; from the northeasterly sideline of Winter Street running northeasterly to the northeasterly sideline of Whitney Street.
 41. Winter Street; from the northwesterly sideline of Dennison Street running southeasterly to the southeasterly sideline of Wood Street.
 42. Manley Street; from the northwesterly sideline of Union Street running northwesterly to a point 450' northwesterly from the northwesterly sideline of Union Street.
 43. Center Street; from the northwesterly sideline of River Road running northerly to the line formed by an extension easterly of the line being the northerly boundary of a lot of land sold to J. W. Ricker and the northerly boundary of a lot of land sold to Roland E. Mabeux on April 4, 1949, by Franklin Company deed No. #1865.

Also the entire fee, including, without limitation, all the right, title and interest that may exist, including any air rights appurtenant to or associated with the rights-of-way of any and all Railroads which are or were located within the following described areas of said City of Lewiston and said City of Auburn, to the fullest extent or dimensions to which such rights-of-way are or at any time were located or laid out:

(1) In Lewiston, an area bounded on the West by the Androscoggin River; on the South by an extension both northeasterly and southwesterly of the southeasterly sideline of Summit Avenue; and on the East and North by the northeasterly sideline of Holland Street projected both southeasterly and northwesterly.

(2) In Auburn, an area bounded on the South by an extension of the southerly sideline of Academy Street projected both easterly to said River and westerly to the westerly sideline of Minot Avenue; on the East by said Androscoggin River; on the North by an extension both east and west of the northerly sideline of East Turner Street, so-called; on the West by the westerly sideline of Minot Avenue and Union Street.

Also hereby conveying the entire fee, including, without limitation, all the right, title and interest, including reversionary interests, that may exist to any railroad tracks, bridges, or trestles, or any foot or other bridges or ways and any appurtenances thereto or apparatus associated therewith located on or above the bed of the Androscoggin River in Lewiston or Auburn.

This deed is given for the purpose of clarifying the description of the premises contained in a deed given by the Franklin Company to these Grantees, dated September 10, 1976, and recorded in the Androscoggin County Registry of Deeds in Book 1226, Page 330. The purpose of this conveyance is not to convey any title which was not conveyed in the deed described above, but is solely for the purpose of confirming and specifying the description of the premises conveyed in said prior deed.

To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said Stanley Sclar and Douglas Schair in their said capacities, their successors and assigns, to them and their use and behoof forever.

IN WITNESS WHEREOF, the said Melville Chapin, Nathaniel T. Dexter, John W. King, William J. Speers, Jr., Robert S. Swain, and Mark C. Wheeler, in their aforesaid capacities and pursuant to the authority conferred by Section 1122(2) of Title 13-A of the Revised Statutes of Maine, have hereunto set their hands and seals this nineteenth day of July in the year of our Lord, one thousand nine hundred seventy-nine.

Signed, Sealed and Delivered in the presence of

<u>Elizabeth F Potter</u>	<u>Melville Chapin</u> MELVILLE CHAPIN	
<u>Diana Wholley</u>	<u>Nathaniel T. Dexter</u> NATHANIEL T. DEXTER	
<u>Elizabeth F Potter</u>	<u>John W. King</u> JOHN W. KING	
<u>Elizabeth F Potter</u>	<u>William J. Speers, Jr.</u> WILLIAM J. SPEERS, JR.	
<u>Elizabeth F Potter</u>	<u>Robert S. Swain Jr.</u> ROBERT S. SWAIN Jr.	
<u>Elizabeth F Potter</u>	<u>Mark C. Wheeler</u> MARK C. WHEELER	

COMMONWEALTH OF MASSACHUSETTS
Suffolk, SS.

July 19, 1979

Personally appeared the above-named William J. Speers, Jr. and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Elizabeth F Potter
NOTARY PUBLIC



ANDROSCOGGIN SS.
RECEIVED JUL 25 1979
AT 3 H.00 M. P. M.
and recorded from original

KNOW ALL MEN BY THESE PRESENTS,

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

A certain lot or parcel of land situated in Lewiston, County of Androscoggin and State of Maine, with any buildings thereon, bounded and described as follows: COMMENCING on the northeasterly side of Lincoln Street at the southerly line of land conveyed by this Grantor to W. E. Cloutier on November 20, 1973 by deed # 3076; thence running northeasterly by land of said Cloutier about 143 feet to line of land conveyed by this Grantor to the Lewiston Gas Light Co. on August 16, 1869 by deed #422; thence running southeasterly by line of land of said Lewiston Gas Light Co., now Maine Central Railroad, about 2471 feet to land conveyed by this Grantor to Florida Lemieux on September 23, 1955 by deed # 1944; thence southwesterly by line of land of said Lemieux about 320 feet to the northeasterly side of Lincoln Street; thence northwesterly by the northeasterly side of Lincoln Street about 2687 feet to the point of beginning.

The foregoing parcel is subject to a right of way conveyed by this Grantor to Lewis J. and Robert A. Rosenthal on October 24, 1972 by deed # 3058.

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

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

MARSHALL RAYMOND,
BELIVEAU & CIONNE
ATTORNEYS AT LAW
70 PARK STREET
LEWISTON, MAINE 04240
—
88 MAIN STREET
FARMINGTON, MAINE 04840

City of Lewiston
Parcel Viewer

Turn on Zoning

16 MERTON BLVD

Parcel ID ▲	Address ▲
RE00020426	16 MERTON BLVD
RE00008363	16 MERTON BLVD



Lewiston Maine | Lewiston Maine | City of Lewiston, Maine, Esri, HE

EXHIBIT C

PARID: RE00008363

16 MERTON BLVD

Parcel

Parcel ID	RE00008363
Map/Lot	198/000/025
Property Location	16 MERTON BLVD
Property Class	Bldg on Franklin Co Land
Land Area (acreage)	

Owners

Owner	LEBEL LUKE
Address	16 MERTON BLVD
City	LEWISTON
State	ME
Zip	04240
Book	
Page	

Sales History

Date	Amount	Book	Page
08/17/2018	\$9,000		
01/02/2002	\$8,000		

Primary Building

Style	CONVENT
Year Built	1948
Stories	1
Attic	1-NONE
Fuel Type	1-OIL
Heat System	2-HOT AIR
Heat/AC Type	2-BASIC
Fireplaces	0
Total Rooms	3
Bedrooms	1
Kitchens	
Full Baths	1
Half Baths	
Basement	6-FULL
Basement Garage Spaces	
Finished Basement Area	0
Basement Rec Room Area	
Unfinished/Cathedral Area	
Living Area	640

OBY

Description	Area/Quantity
RS1 -FRAME UTILITY SHED	120

PARID: RE00020426

16 MERTON BLVD

Parcel

Parcel ID	RE00020426
Map/Lot	198/000/025
Property Location	16 MERTON BLVD
Property Class	Frank Land
Land Area (acreage)	.1

Owners

Owner	FRANKLIN PROPERTY TRUST LLC
Address	PO BOX 7
City	LEWISTON
State	ME
Zip	04243
Book	1227
Page	25

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

Luke Lebel
189 East Grand Ave., Apt. 303
Old Orchard Beach, Maine 04064

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

Auburn Savings Bank (f/k/a Auburn Savings
and Loan Association)
c/o William Tracy
256 Court Street
Auburn, Maine 04212

16 MERTON BOULEVARD, LEWISTON, MAINE

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

July 16, 2019 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

The hearing is regarding the building at 16 Merton Boulevard, Lewiston, Maine, identified as Parcel ID RE00008363 on the City of Lewiston Tax Maps, and further described in a Bill of Sale dated August 17, 2018. The hearing is to determine whether the building is a nuisance or dangerous, within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

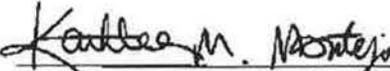
If the City Council finds that the building is a nuisance or dangerous, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the building. The City may then recover all of its expenses, by means of a special tax or civil action, including reasonable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

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

EXHIBIT D

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

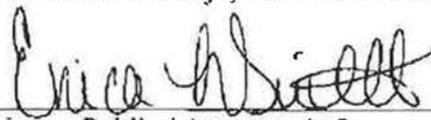
June 7, 2019


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

June 7, 2019

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


Notary Public / Attorney At Law

ERICA L. SOJETT
Notary Public, Maine
My Commission Expires October 5, 2019

172427-23

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

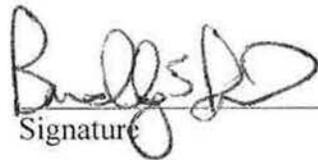
NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
16 Merton Boulevard, Lewiston, Maine
Dangerous Buildings

On June 26, 2019, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Luke Lebel, as follows:

Luke Lebel
14 Greene Street
Saco, ME 04072

Costs of Service:

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



 Signature

YCSO

 Agency

16 Merton Boulevard

EXHIBIT E

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

Luke Lebel
189 East Grand Ave., Apt. 303
Old Orchard Beach, Maine 04064

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

Auburn Savings Bank (f/k/a Auburn Savings
and Loan Association)
c/o William Tracy
256 Court Street
Auburn, Maine 04212

16 MERTON BOULEVARD, LEWISTON, MAINE

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

July 16, 2019 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

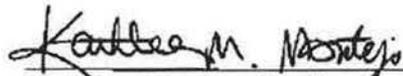
The hearing is regarding the building at 16 Merton Boulevard, Lewiston, Maine, identified as Parcel ID RE00008363 on the City of Lewiston Tax Maps, and further described in a Bill of Sale dated August 17, 2018. The hearing is to determine whether the building is a nuisance or dangerous, within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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

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

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

June 7, 2019


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

June 7, 2019

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


Notary Public / Attorney At Law

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

Return
B

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
16 Merton Boulevard, Lewiston, Maine
Dangerous Buildings

On June 13, 2019, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Franklin Property Trust LLC c/o of Ronald Bissonnette, Registered Agent, as follows:

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

Costs of Service:

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

J. Grady
Signature

Archoscogen SO
Agency

16 Merton Boulevard

EXHIBIT F

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

Luke Lebel
189 East Grand Ave., Apt. 303
Old Orchard Beach, Maine 04064

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

Auburn Savings Bank (f/k/a Auburn Savings
and Loan Association)
c/o William Tracy
256 Court Street
Auburn, Maine 04212

16 MERTON BOULEVARD, LEWISTON, MAINE

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

July 16, 2019 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

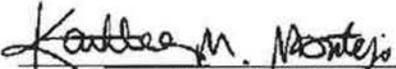
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If the City Council finds that the building is a nuisance or dangerous, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the building. The City may then recover all of its expenses, by means of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

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

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

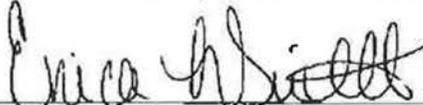
June 7, 2019


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

June 7, 2019

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


Notary Public / Attorney At Law

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

RETURN
A

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
16 Merton Boulevard, Lewiston, Maine
Dangerous Buildings

On June 13, 2019, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Auburn Savings Bank (f/k/a Auburn Savings and Loan Association) c/o of William Tracy, its Registered Agent, as follows:

Auburn Savings Bank (f/k/a Auburn Savings
and Loan Association)
c/o William Tracy
256 Court Street
Auburn, ME 04212

Costs of Service:

Service:	\$	<u>2100</u>
Travel:	\$	<u>300</u>
Postage:	\$	<u>200</u>
Other:	\$	<u>200</u>
 TOTAL:	\$	<u>2800</u>

J. Phelps
Signature
Androscoagen SO
Agency

EXHIBIT G

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

Luke Lebel
189 East Grand Ave., Apt. 303
Old Orchard Beach, Maine 04064

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

Auburn Savings Bank (f/k/a Auburn Savings
and Loan Association)
c/o William Tracy
256 Court Street
Auburn, Maine 04212

16 MERTON BOULEVARD, LEWISTON, MAINE

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

July 16, 2019 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

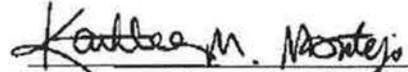
The hearing is regarding the building at 16 Merton Boulevard, Lewiston, Maine, identified as Parcel ID RE00008363 on the City of Lewiston Tax Maps, and further described in a Bill of Sale dated August 17, 2018. The hearing is to determine whether the building is a nuisance or dangerous, within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

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

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

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

June 7, 2019


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

June 7, 2019

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


Notary Public / Attorney At Law

ERICA L. SOIETT
Notary Public, Maine
My Commission Expires October 5, 2019

NICHOLAUS RICHARD
City of Lewiston
Code Enforcement Officer

RESPONSIBILITIES

Responsible for implementing and enforcing City of Lewiston Zoning and Land Use Code, Building Codes, and Property Maintenance Codes as well as all applicable Maine State Laws.

MAINE STATE CERTIFICATIONS

Shoreland Zoning

Land Use

Legal Issues and Enforcement Techniques

Local Plumbing Inspector (LPI)-

Internal Plumbing, Subsurface Waste Water Disposal

Building Standards-

Residential Building Code, Commercial Building Code, Residential Ventilation Code,

Commercial Ventilation Code, Residential Radon Code

Lead Renovation, Repair, and Painting (RRP)

INTERNATIONAL CODE COUNCIL CERTIFICATIONS

B1- Residential Building Inspector

EXPERIENCE

Municipal

Town of Mechanic Falls, Maine (2008-2014)

Code Enforcement Officer, Building Inspector, Health Officer, LPI

City of Lewiston, Maine (2016-Present)

Code Enforcement Officer, Constable, Property Maintenance Inspector, Building Inspector, LPI

Construction

St. Laurent and Son Excavation (2014-2016)

Project Manager

EXHIBIT H

State of Maine

Department of Economic and Community Development

Municipal Code Enforcement Certification

Certifies

Nicholaus Richard

To perform duties as Local Plumbing Inspector

Certification no.: 1096

Certification expiration date: 01/31/2020



Drew Morris, Program Manager

State of Maine

Department of Economic and Community Development

Municipal Code Enforcement Certification

Certifies

Nicholaus Richard

To perform duties as code enforcement officers in the areas of

Shoreland Zoning ~ Land Use ~ Residential Building Code ~ Commercial Building Code ~ Residential Ventilation Code ~ Commercial Ventilation Code ~ Residential Radon Code

Certification no.: 873

Certification expiration date: 1/31/2020



Drew Morris, Program Manager

INTERNATIONAL CODE COUNCIL

NICHOLAUS RICHARD

The International Code Council attests that the individual named on this certificate has satisfactorily demonstrated knowledge as required by the International Code Council by successfully completing the prescribed written examination based on codes and standards then in effect, and is hereby issued this certification as:

Residential Building Inspector

Given this day of December 5, 2017

Certificate No. 8854066



Jay Elbetta
President, Board of Directors



Dominic Sims
Chief Executive Officer



INTERNATIONAL
CODE COUNCIL®

CITY OF LEWISTON
CODE ENFORCEMENT
CITY BUILDING
27 PINE STREET
LEWISTON, MAINE 04240
(207) 513-3125 EXT. 3226

NOTICE OF CONDEMNATION/PLACARDING

Code Case: 3777-2018
VIA FIRST CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
POSTED AT SITE

November 30, 2018

Trinity Realty Partners, LLC
C/O Luke Lebel
62 Mouse Lane
Alfred, Maine 04002-3631

Luke Lebel
31 Greene Street
Sabattus, Maine 04280

Luke Lebel
189 East Grand Avenue, Apt. 303
Old Orchard Beach, Maine 04064

523 River Road, LLC
C/O Luke Lebel
14 Greene Street
Saco, Maine 04072

Re: 16 Merton Boulevard, Lewiston, Maine
Map-Lot: 198-25

Dear Trinity Realty Partners, LLC; 523 River Road, LLC; and Mr. Lebel:

I hereby condemn and placard the structure located at 16 Merton Boulevard, Lewiston, Maine as being unfit for occupancy/use and dangerous pursuant to and in accordance with Chapter 18, Article III, International Property Maintenance Code, Sections 18-51 and 18-52, IPMC-108.1 et seq., IPMC-109.1 et seq., IPMC-110.1 et seq., IPMC-302.1 et seq., IPMC-304.1 et seq., IPMC-305.1 et seq., IPMC-308.1 et seq., IPMC-402.1 et seq., IPMC-502.1, IPMC-504.1 et seq., IPMC-603.1 et seq., IPMC-703.1 et seq., as amended as per the Code of Ordinances of the City of Lewiston, hereafter referred to as

the Code. You are hereby ordered to **immediately** ensure the structure is secured from unauthorized entry and to repair or demolish the structure. All appropriate permits must be issued by this office and all work completed to the satisfaction of this office. All work must be completed by no later than **December 30, 2018**.

On November 21, 2018, I inspected the interior and exterior of the building located at 16 Merton Boulevard. Upon inspection, the building and property was found to be in violation of the following: the oil tank is improperly supported as it is not on a solid foundation, creating a heat supply issue as oil delivery companies should not be filling it; there is an illegal electrical extension cord connection to heat tape wrapped around the oil supply line creating a life safety hazard; the oil tank gauge is broken; the roof is deteriorated as it is sagging and allowing water into the structure in areas and in need of repair; there are exposed live electrical wires at the left side exterior of the structure creating a life safety hazard; there is an old meter box and wiring that needs to be removed; there is no graspable handrail on the entry stairs; there are exposed live electrical wires throughout the interior of the structure creating life safety hazards; the bathroom vanity is not properly secured in place; the smoke alarms are painted over and inoperable creating a life safety hazard; there are numerous areas of sheetrock that are water damaged, cracked, and growing mold creating sanitary hazards; doors do not fit well within the frames; the plumbing system is improperly installed and improperly maintained creating a sanitary hazard; the sump pump is improperly installed; the basement is inundated with water with an improper means of removal installed creating a sanitary hazard; mold is visible throughout areas of the structure creating a sanitary hazard; the water heater is improperly supported by a log creating a hazard; there is rotted floor boards visible from the basement; there is a "shop-vac" hard wired to the electrical system in the basement creating a dangerous life safety hazard; etc. These issues make it unfit for occupancy/use due to violations of the provisions of Chapter 18, Article III, International Property Maintenance Code, Sections 18-51 and 18-52 of the Code.

The above-mentioned property will be placarded and may not be re-occupied until proper abatement of all violations and rehabilitation has been completed. An inspection shall be conducted to confirm compliance. At such time the condemnation order and placarding shall be discontinued pursuant to the above referenced Code Section IPMC-108.4.1 stating that "the code official shall remove the condemnation and placarding whenever the defect or defects upon which the Condemnation and Placarding were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code."

Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) for the first citation and you will be reordered to abate the outstanding violations in the previous Notices and Orders. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and twenty five dollars (\$225.00), the third is four hundred and twenty five dollars (\$425.00), the fourth and subsequent citations are eight hundred and fifty dollars (\$850.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq. and § 3758-A et seq. as amended. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a fine of up to two thousand, five hundred dollars (\$2,500.00) per violation, per day, the payment of court costs and the City's legal fees.

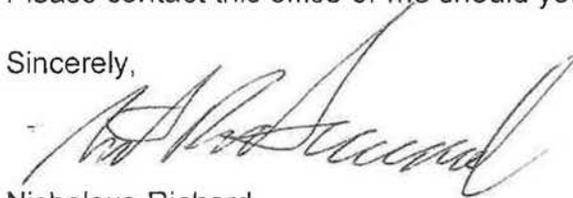
The City of Lewiston may order the demolition of this building pursuant to the provisions of the Maine Revised Statutes, Title 17, Chapter 91, Subchapter 4, Dangerous Buildings, Section § 2851, if the building is not maintained secured or is a threat to public safety and a nuisance.

You may appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the Director of Planning and Code Enforcement within ten (10) days of receipt of this notice. This petition shall be submitted on a form provided by this office along with the one hundred and fifty dollar (\$150.00) appeal fee. Should you fail to appeal you will be barred from any opportunity to contest or challenge the terms of this Notice and Order in any further legal proceedings.

If you sell, transfer or lease this property, you must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations pursuant to Section IPMC-107.6 of the Property Maintenance Code. You must also furnish this office with a signed notarized statement from the grantee, mortgagee, transferee or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

Please contact this office or me should you have any questions or concerns.

Sincerely,



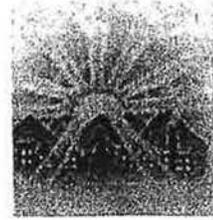
Nicholaus Richard
Code Enforcement Officer/Constable

C: David Hediger, Director of Planning & Code Enforcement
Code Case: 3777-2018

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

Be advised: The EPA's Lead Renovation, Repair and Painting Rule (RRP) requires that the firms performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities and preschools built before 1978 have their firm certified by EPA (or an EPA authorized state), use certified renovators who are trained by EPA Approved training providers and follow specific lead-safe work practices to prevent lead contamination. This included in-house staff and many types of outside contractors.

Jason Grover
711 Lisbon St
Front
Lewiston, ME 04240
(207) 754-5509
sesmejg@gmail.com



INVOICE

BILL TO
Mike Borges
Mike
16 Merton BLVD
Lewiston, ME 04240
United States

SHIP TO
Mike Borges
Mike
16 Merton BLVD
Lewiston, ME 04240
United States

INVOICE # 1415
DATE 12/08/2018
DUE DATE 12/08/2018
TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
Emergency Call - Checked electrical panel for proper voltage to each circuit for the 2 bedrooms that were not working in rear of house. They had 120 volts at the electrical panel. Then I checked the voltage at the receptacles they had an irregular voltage (16V). - checked all devices in the 2 bedrooms all had irregular voltages. - the problem with the circuit was not at any known device on either circuit. Also each bedroom for the residence should be on arc fault breakers. - Advised customer to leave the circuits for those bedrooms off because they impose a potential fire hazard. - Circuits will need new wiring and possibly devices.	2	130.00	260.00

Work performed 12/05/2018

BALANCE DUE

\$260.00

EXHIBIT J

**16 Merton Boulevard
Dangerous Buildings Act Hearing**

July 16, 2019

Lewiston City Council Meeting

Inspecting Code Enforcement Officer Nicholaus Richard

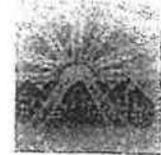
11 years experience as a State of Maine certified code enforcement officer

International Code Council certified Residential Building Inspector

Electrician Invoice

- Building electrical wiring was inspected by a State of Maine Licensed Electrician on December 8, 2018
- The electrician described the problem as being isolated to the internal wiring (this is in addition to the pictures in succeeding slides)
- It is a fire hazard, as noted by the electrician
- Danger to life and property

Jason Grover
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sesrneig@gmail.com



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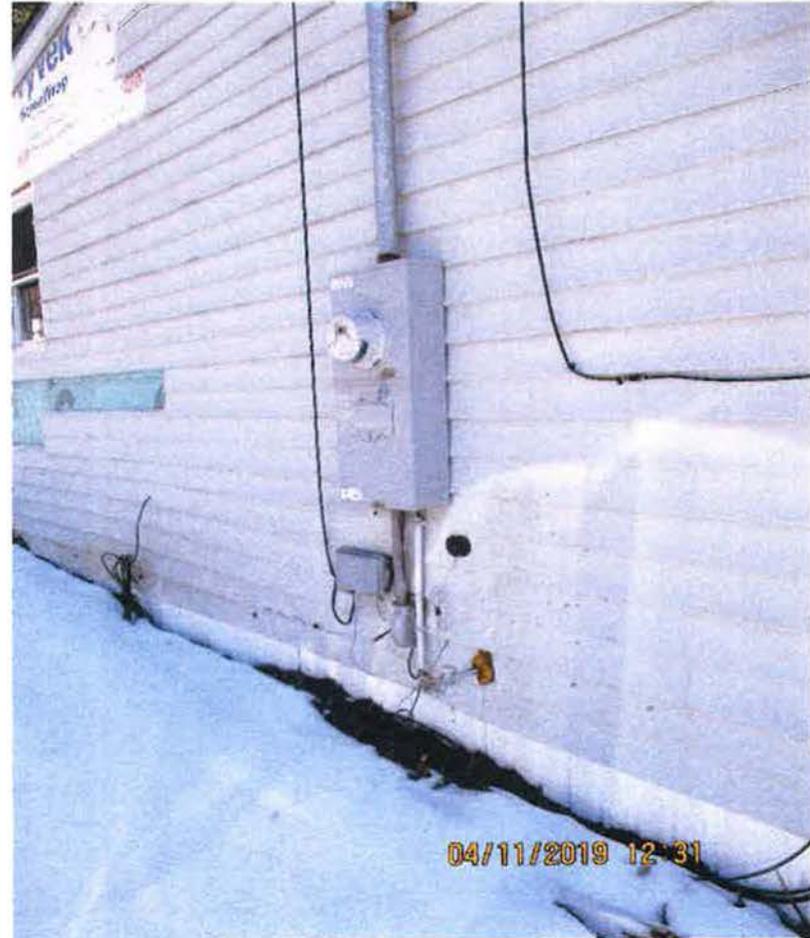
BALANCE DUE

\$260.00

Exterior- power connected

April 11, 2019

- Power is connected
- Hazard to health and safety
- Dangerous to life and property



Exterior electrical

- Exposed electrical cable, creating a life safety hazard due to electric shock
- Abandoned electrical service in place



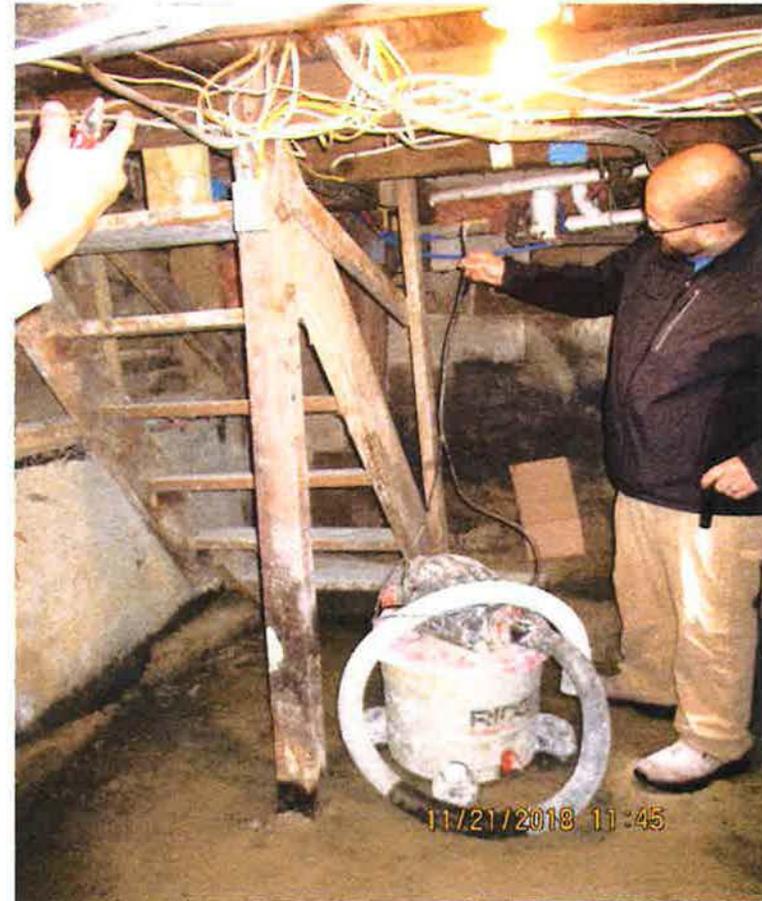
November 21, 2018



Interior- electrical

November 21, 2018

- Ridgid Vacuum improperly hard-wired to house circuit for the purpose of removing water in the basement
- Water accumulated on basement floor
- Mold growth on the wood contacting the concrete
- Hazard to health and safety due to mold
- Dangerous to life due to electric shock



*more pictures of electrical violations available in the Appendix to this slideshow

Interior- Plumbing

November 21, 2018

- Improperly installed plumbing
- Spray foam used to seal the drum trap
- Duct tape used on fittings
- Cables and other items hanging from the pipes
- Creates an unsanitary condition
- Hazard to health and safety



Interior- Plumbing

November 21, 2018

- Improper installation of sump pump
- Electrical cord being supported by shoe string on building water service pipe
- Water accumulated on basement floor
- Appearance of mold growth on the concrete
- Hazard to health and safety



*more pictures of plumbing violations available in the Appendix to this slideshow

Exterior

February 8, 2019

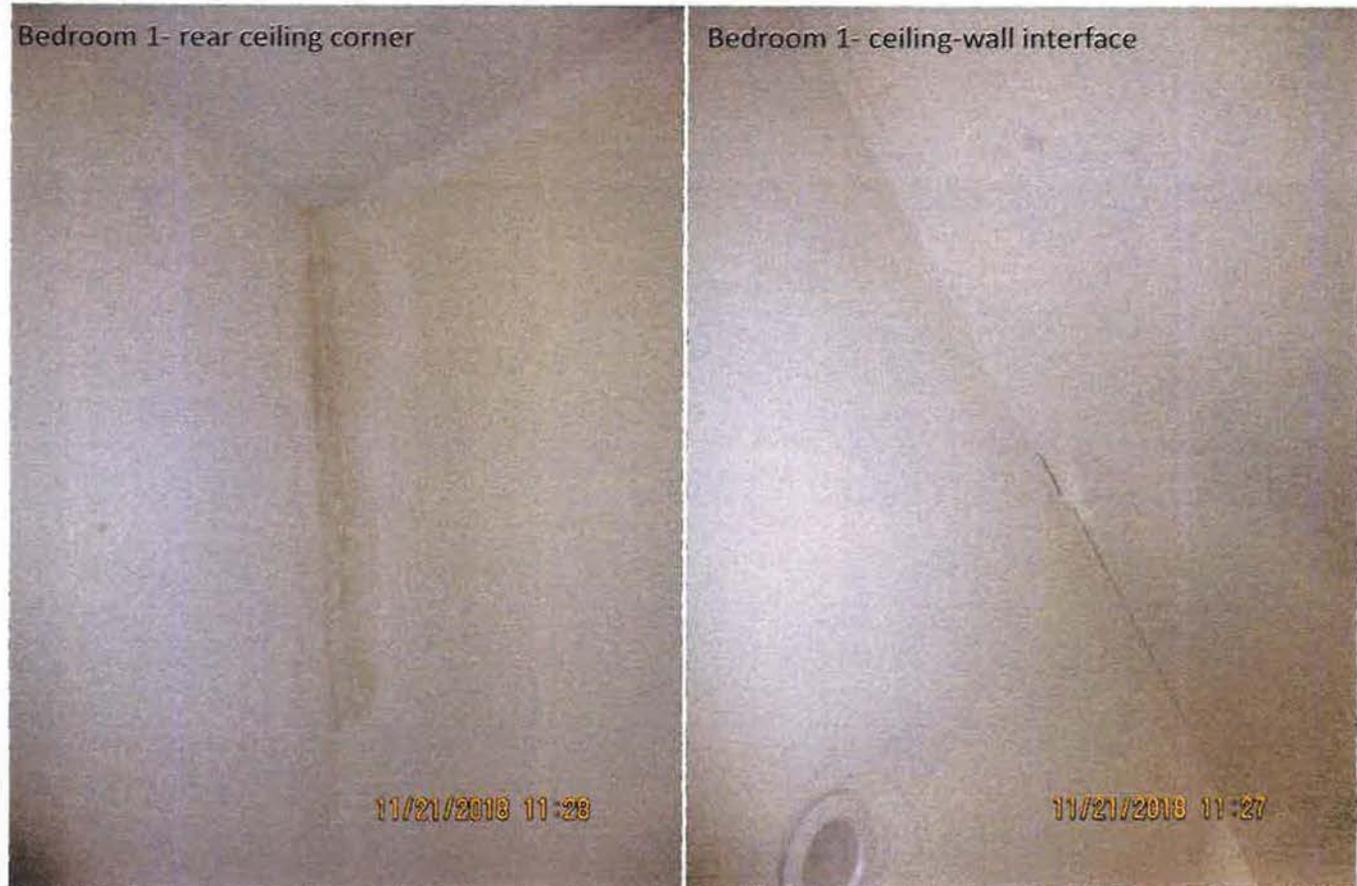
- Roof sagging and deteriorated
- Deteriorated roof allows the entry of the elements causing interior damage and deterioration
- Resulting in subsequent molding, mildewing, and rotting of structural elements creating unsanitary and hazardous conditions.



Interior- water damage

November 21, 2018

- Water damage from roof leaks through the interior
- Impacts to electrical system, ceiling, and walls creating hazardous and unsanitary conditions
- Hazard to health and safety due to inadequate maintenance

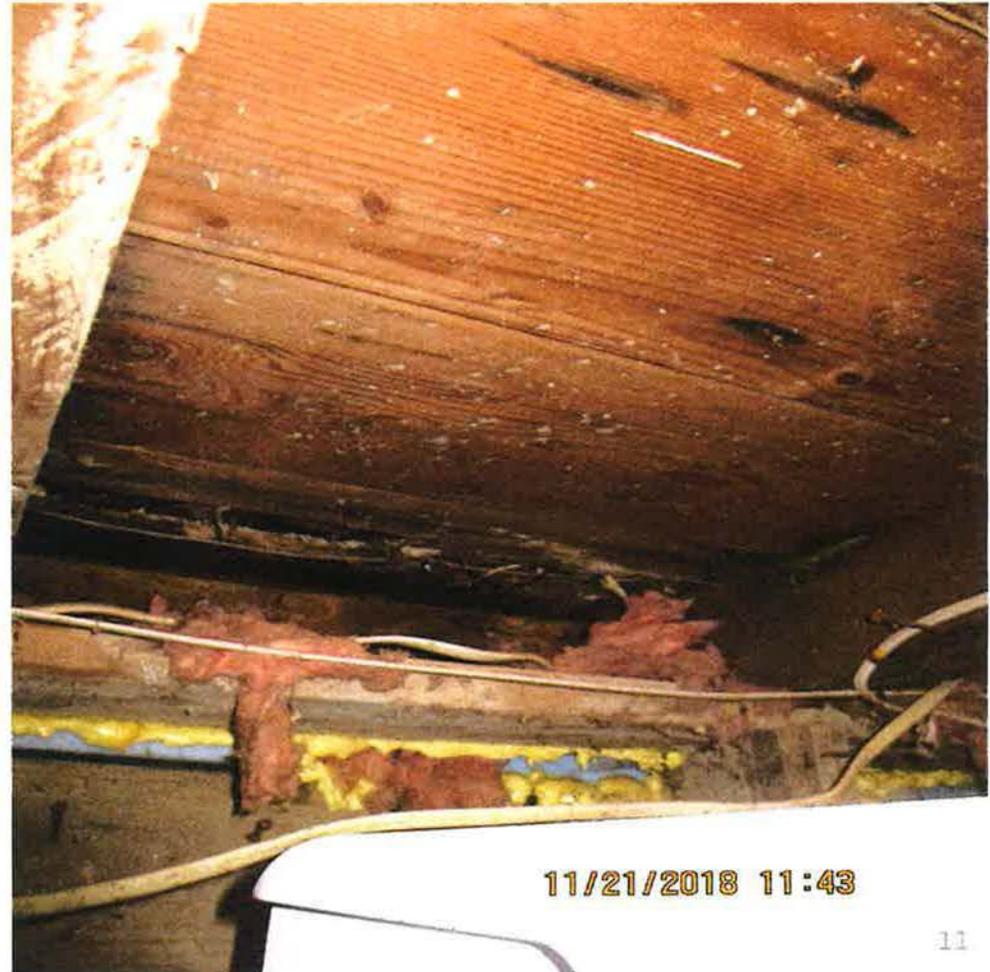


*more pictures of water damage throughout the interior of the structure available in the Appendix to this slideshow

Interior- basement

November 21, 2018

- Rotted floor board near building rim joist and sill plate
- Rot is setting in on the rim joist
- Mold growth from moisture
- Structurally unstable and unsanitary
- Hazard to health and safety



Oil Tank incorrectly supported

- Oil tank is not placed on a suitable concrete pad, posing a safety hazard due to it tipping over
- Potential oil spill creating an environmental contamination hazard to the surrounding properties and groundwater
- No filter protector on the outlet, creating an environmental contamination hazard to the surrounding properties and groundwater
- Building is now uninhabitable as oil companies shall not fill the tank due to the above. It is the building's only source of heat.



Oil Tank Fuel Line



- Filter not protected by filter cover
- Electric heat cable wrapped around oil line
- Imminent danger of oil spill and fire hazard

November 21, 2018 and February 8, 2019

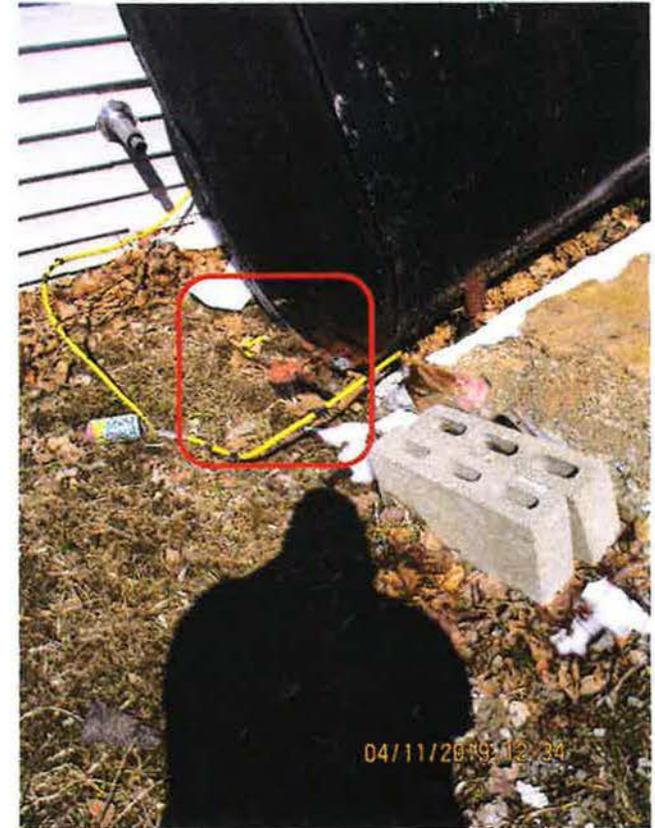
- Electric heat cable wrapped around the oil line and connected to an extension cord
- Electric heat cable, oil line, and extension cord exposed to the elements
- These circumstances constitute a fire hazard



Oil tank support pad close up

April 11, 2019

- Severely deteriorated concrete
- Oil filter is now dug into the soil
- Imminent threat of a fire hazard and an environmental contamination hazard



Exterior

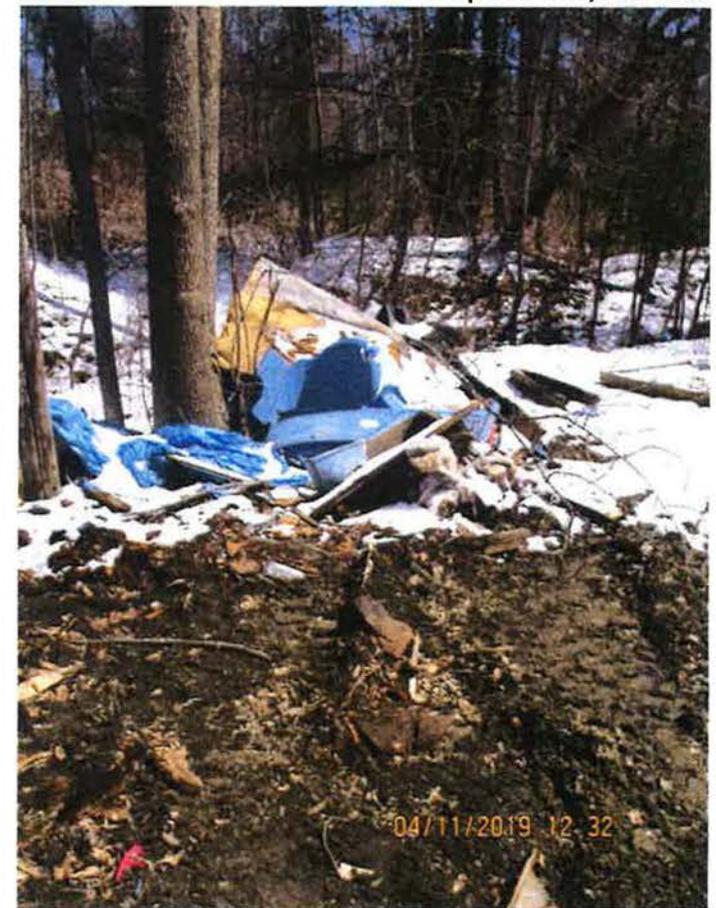
April 11, 2019

- Siding missing
- Contributes to a dilapidated and abandoned appearance
- Allowing elements into the structure
- Mold and mildew growth from moisture
- Hazard to health and safety



Exterior- unsanitary

- Construction demolition debris, trash, discarded household goods
- Contributes to a dilapidated and abandoned appearance
- Danger to public health and safety



April 11, 2019

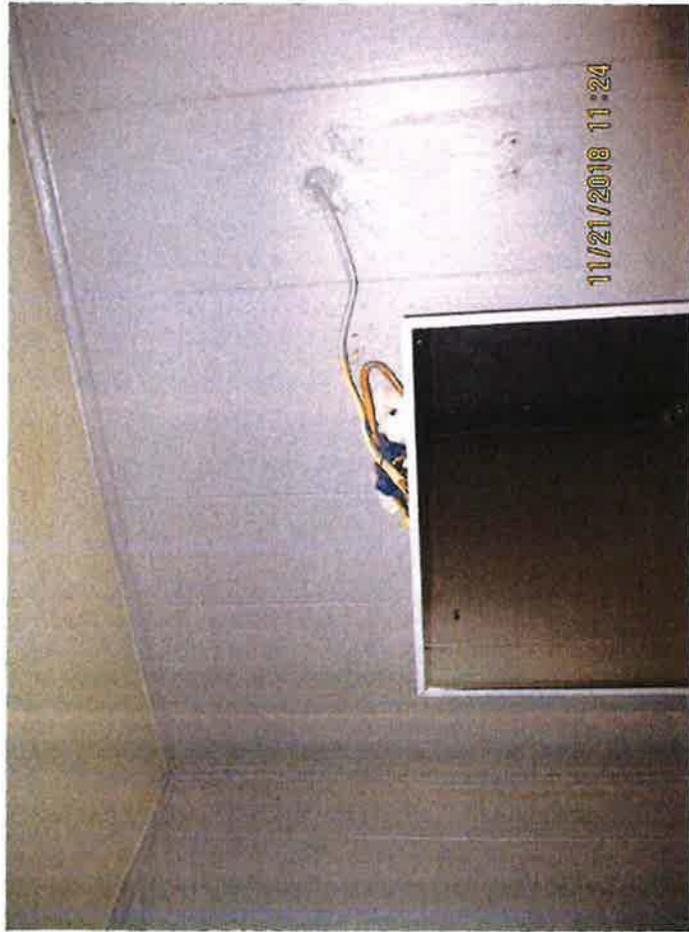
Conclusion

- The building qualifies as being dangerous
- The building qualifies as being a nuisance
- The building is structurally unstable and unsanitary
- The building constitutes a fire hazard and an environmental contamination hazard
- It constitutes a hazard to health and safety due to inadequate maintenance, dilapidation, obsolescence, and abandonment
- It is dangerous to life and property
- It must be demolished

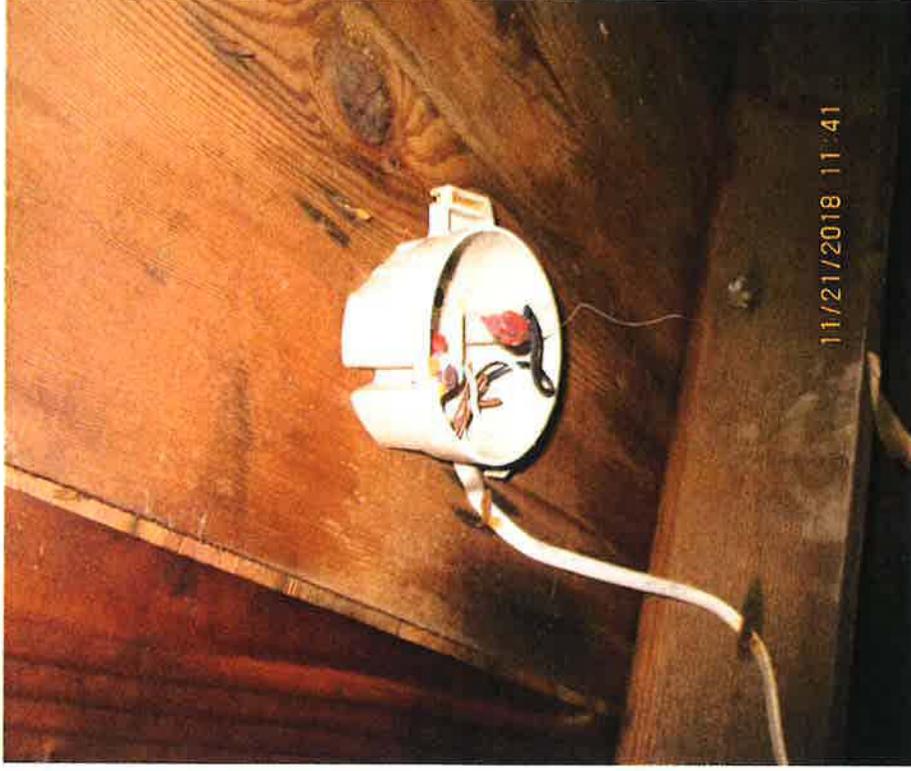
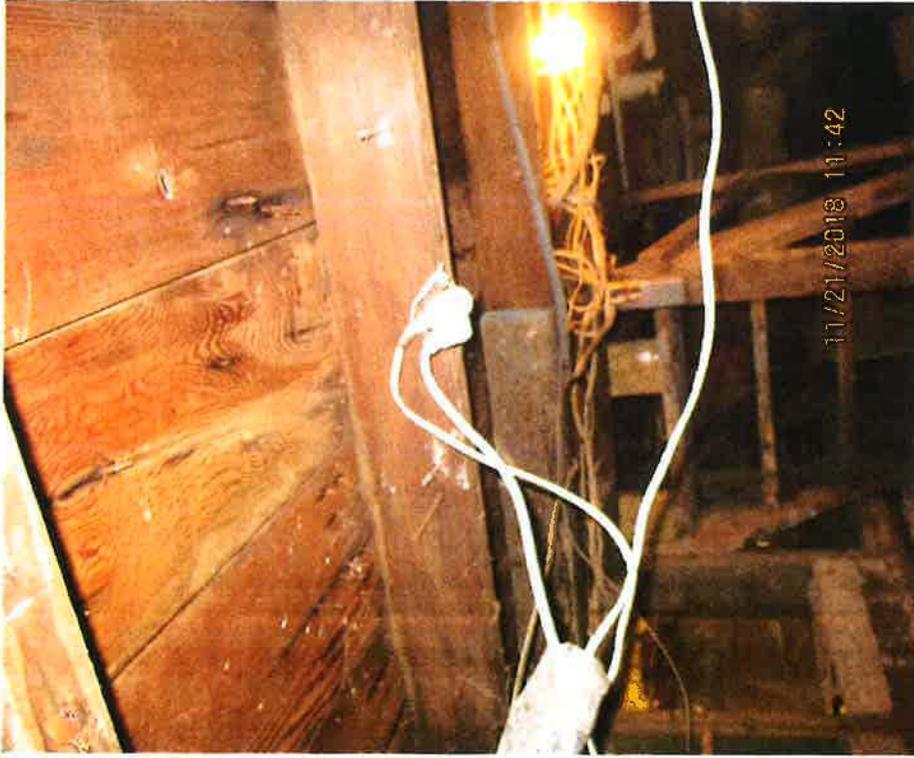
Appendix

**Additional photographs showing
the extent of the violations**

Interior electrical



Interior electrical



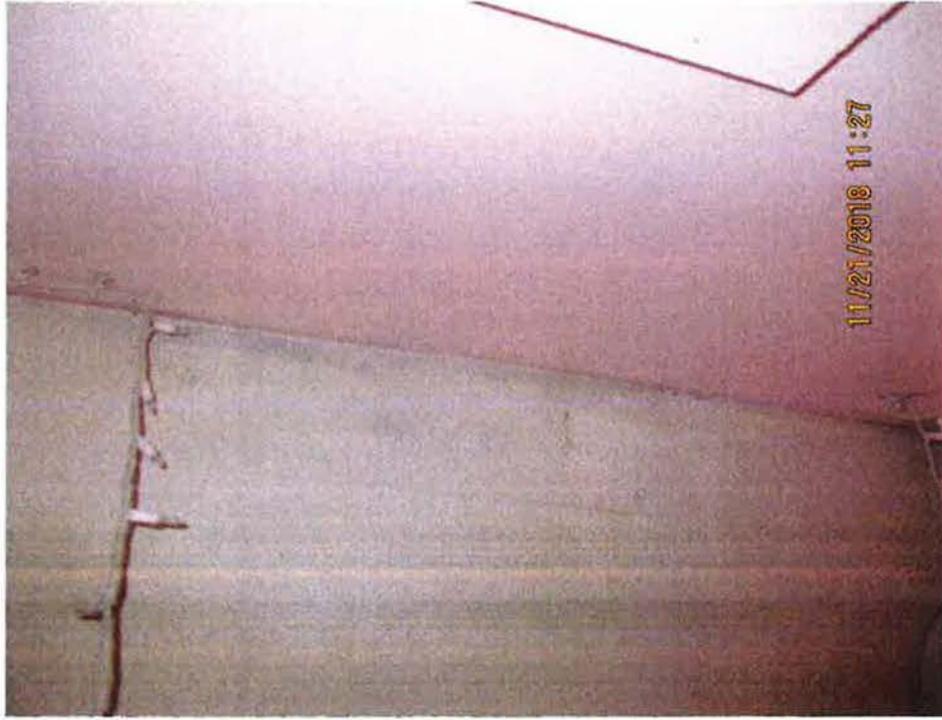
Interior smoke alarm



Interior- Plumbing



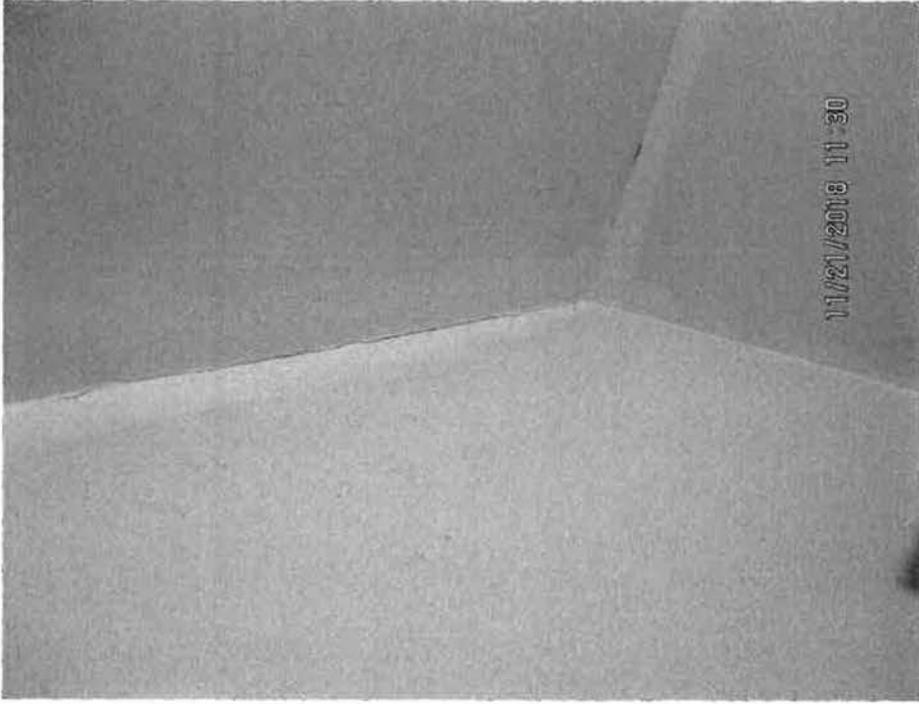
Interior water damage- bedroom 1



Interior water damage- bedroom 2



Interior water damage- bedroom 2



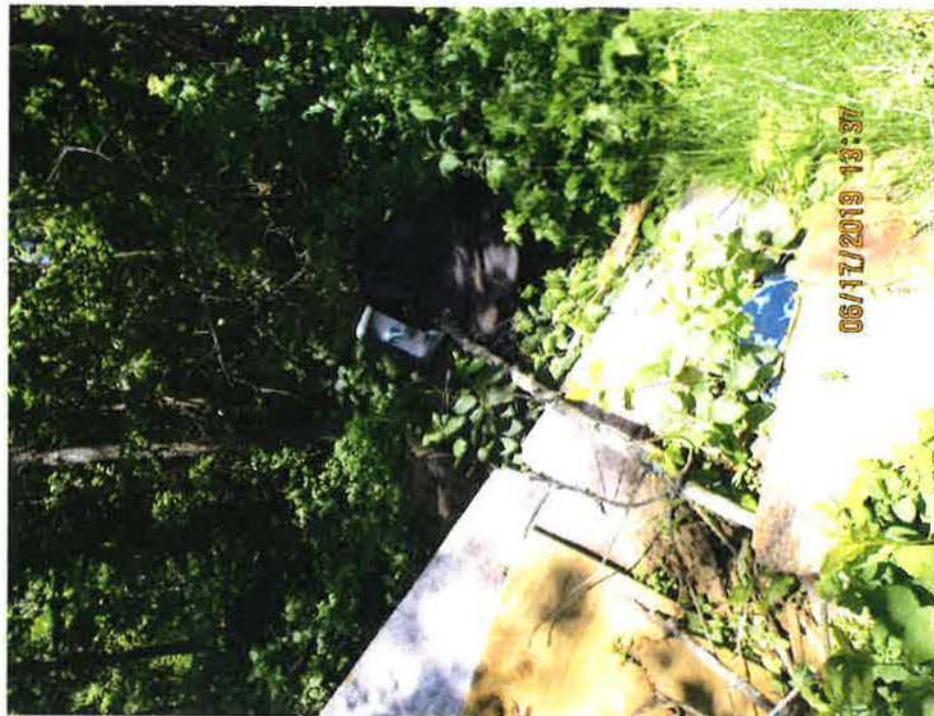
Oil tank



Exterior trash and debris



Exterior trash and debris



Exterior trash and debris



LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT: Resolve, Adopting a New Property Disposition Policy, Master Policy 49.

INFORMATION: In January, the City Council adopted a revised Purchasing Policy as recommended by the Finance Committee. At that time, the Finance Committee recommended that the then existing section of the Purchasing Policy regarding disposition of Assets be eliminated and that a new, separate policy be adopted governing disposition. The prior disposition section simply noted that the Director of Purchasing was responsible for the sale of all no longer need municipal property and set minimal disposition procedures based on the estimated dollar value of the item. A copy of the relevant section of the prior policy is attached.

The new policy provides considerably more detail as to the procedures to be followed in disposing of property. The major provisions/changes include:

- Establishing clear definitions of various property types including real, personal, and individual;
- Requesting a recommendation from the Finance Committee regarding the procedure to be used to dispose of any real property where that property has an assessed value of \$10,000 or more, could potentially be developed, and is not to be transferred to the owner(s) of an abutting property;
- Notifying the Finance Committee of real property dispositions where the property has a value of \$10,000 or more, could be developed, and is not transferred to an abutter so that the Committee may make a recommendation to the City Council.
- Authorizing the Purchasing Agent to transfer surplus property between City departments where the original asset value of the item is less than \$5,000 and requiring Finance Committee approval of the transfer of items with a value of \$5,000 or more;
- Detailing the disposition procedures to be used for various categories of property;
- Clarifying that items may be sold via on-line auctions.

A copy of the proposed policy is attached. Not that this will also require a modification to the City's Property Disposition Policy to recognize the Finance Committee's role in recommendation real property sales meeting certain criteria.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Adopting a New Property Disposition Policy, Master Policy 49.



COUNCIL RESOLVE

Resolve, Adopting a New Property Disposition Policy, Master Policy 49.

Whereas, earlier this year, the City Council, upon the recommendation of the Finance Committee, revised the City's purchasing policy; and

Whereas, at that time, the Finance Committee recommended that the section of the prior policy dealing with property disposition be eliminated with the intent of establishing a new policy to cover disposition procedures in greater detail; and

Whereas, the Finance Committee has now developed and recommended that a new policy be adopted by the City Council;

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

The attached City Master Policy 49, Disposition of Assets, is hereby adopted.

DISPOSITION OF CITY ASSETS POLICY

Sec. 1 DISPOSITION OF CITY ASSETS POLICY ESTABLISHED: In accordance with provisions of the Charter and Code of Ordinances of the City of Lewiston, Maine, the Finance Committee, with the approval of the City Council, hereby establishes this Disposition of Assets Policy setting forth the duties and responsibilities of the Purchasing Agent and the procedures to be followed in disposing of City property.

Sec. 2 DEFINITIONS: For the purpose of this policy, the following terms, phrases, words and derivations shall have the meaning given herein unless the context in which they are used clearly requires a different meaning.

2.1 REAL PROPERTY: City owned land and/or buildings.

2.2 PERSONAL PROPERTY: Moveable or semi-movable assets including: vehicles, equipment, machinery, fixtures, and scrap items with an original asset value of at least \$5,000.

2.3 INDIVIDUAL PROPERTY: Unique units of items, for example chairs or desks, with an original asset value less than \$5,000.

2.4 RESPONSIVE: Bid is submitted in the required format, containing the requested information, and with the appropriate bid security when required by the bid document.

Sec. 3 DISPOSITION OF REAL PROPERTY: The disposal of real property rests with the City Council in accordance with City Policy #38 "*Property Disposition*," adopted by the City Council on February 21, 2012. The Finance Committee shall be notified of real property dispositions with the exception of those involving vacant lots that do not meet minimum space and bulk standards for construction that are assessed at \$10,000 or less and are to be transferred to the owners of an abutting property so that the Committee may consider sending a recommendation to the City Council.

Sec. 4 DISPOSITION OF PERSONAL PROPERTY: The Purchasing Agent, under the direction of the Finance Director, shall be responsible for overseeing the disposition of personal and individual property.

4.1 ANNUAL INVENTORY: At least annually, the Purchasing Agent will solicit items from each department that are considered to be surplus, no longer used, or have become obsolete, worn out, or deemed scrapped.

4.1.1 The Purchasing Agent, after assessing the condition of the Property, will assign an estimated value to each item recognizing market and/or donated value may vary significantly from this estimate.

4.2 TRANSFER OF PROPERTY: The Purchasing Agent shall have the authority to transfer surplus individual property between City departments and/or other Lewiston municipal agencies and, after the approval from the Finance Committee, to similarly transfer personal property.

4.3 SALE OF PROPERTY: Based upon the estimated value of Property, the Purchasing Agent shall dispose of the Property based upon the following:

4.3.1 Individual Property Valued at less than \$1,000 – sale/disposal of property shall be conducted in the most economical manner and in the best interest of the City.

4.3.2 Individual Property Valued between \$1,000 - \$5,000 – the sale/disposal of the property shall be supported by price quotations from three (3) competitive sources or shall be done via public or on-line auction, or, where such procedures are not followed, after approval by the Finance Committee upon receipt of an acceptable explanation from the City Administrator justifying the absence of such competition.

4.3.3 Personal Property Valued between \$5,000 - \$10,000 – the Purchasing Agent may elect to solicit written bids to purchase the property with only responsive bids considered or shall sell the Property at a public or through an on-line auction.

4.3.4 Real or Personal Property Valued above \$10,000 – the Purchasing Agent will solicit a recommended means of disposition from the Finance Committee.

4.4 DONATIONS: Property may be of value to other towns, municipalities, or non-profits. Donations to such entities of property valued at or above \$1,000 shall require an estimate of value from the Purchasing Agent, recommendations from the City Administrator and Finance Committee, and approval of the City Council

EXERPT FROM PRIOR PURCHASING POLICY ON PROPERTY DISPOSITION

- 3.12 SALE OF PROPERTY:** The Director or his/her designee shall be responsible for the sale of all municipal property (real or personal) which is no longer used or has become obsolete, worn out or scrapped.
- 3.12.1 NOTICE:** Department heads of all using agencies shall notify the Director or his/her designee, at such times and in such form as he/she may prescribe, reports of all surplus material available within their respective department.
- 3.12.2 TRANSFER:** The Director shall have the authority to transfer surplus property to other using agencies.
- 3.12.3 SALE PROCEDURE:** All sales which have an estimated dollar value over \$5,000 shall be sold at a public auction or through formal competitive bids. Sales from \$1,000 to \$5,000 shall be supported by price quotations from three (3) competitive sources or adequate explanation justifying the absence of such competition. Sales estimated at less than \$1,000 shall be conducted in the most economical manner and in the best interest of the City.
- 3.12.4 DONATION:** All items which might be donated to another town, municipality or non-profit organization shall require prior approval of the City Council.

LEWISTON CITY COUNCIL
MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT: Resolve, Amending City Property Disposition Policy, Master Policy 38.

INFORMATION:

The City will consider adopting a new asset disposition policy as a separate item on tonight's agenda. If that policy is adopted, it will be necessary to amend the City's Property Disposition Policy to recognize the new role that the Finance Committee will have in recommending the disposition method to be used for certain real property dispositions and making a recommendation on the disposition itself. The intent is to ensure that the two policies involved are consistent and to avoid missing a necessary procedural step if it is only referenced in one of the two applicable policies.

One other minor change is being made. The current language referencing the existing role of the Planning Board has been moved forward in the policy so that it is clear that the Board is required to make a recommendation on all real property dispositions, not just those involving developable property. This coincides with the City ordinance detailing the power and duties of the Planning Board.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABL/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Amending City Property Disposition Policy, Master Policy 38.



COUNCIL RESOLVE

Resolve, Amending City Property Disposition Policy, Master Policy 38.

Whereas, earlier this year, the City Council, upon the recommendation of the Finance Committee, revised the City's purchasing policy; and

Whereas, at that time, the Finance Committee recommended that the section of the prior policy dealing with property disposition be eliminated with the intent of establishing a new policy to cover disposition procedures in greater detail; and

Whereas, the Finance Committee has prepared and recommended such a new policy to the City Council; and

Whereas, the proposed new policy specifies a role for the Finance Committee in the real property disposition process; and

Whereas, therefore, it is necessary to amend the City's Property Disposition Master Policy to reflect this new Finance Committee role;

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

City Master Policy 38, City Property Disposition Policy, is hereby amended as shown on the attached.

PROPERTY DISPOSITION

1.0 Purpose

The purpose of this Policy is to provide guidelines for City staff to follow in handling and processing real property in the City's possession which is considered excess to the City's needs.

2.0 Policy

It is the City's policy to periodically review real property in the City's possession to determine whether retention, sale, or lease of such property is in the best interest of the City and to respond in a timely fashion to requests from private parties to purchase or lease such property.

3.0 Determination of Willingness to Sell or Lease City-Owned Property

3.0 3.1 Planning Board and Finance Committee Responsibilities

3.1.1 Planning Board

Once the Administrator has determined a property to be surplus, the Planning Board will be asked to review and make a recommendation on whether to proceed with its disposition. A recommendation from the Planning Board will remain valid for three years; however, should circumstances change during this period, the Administrator may seek an updated review and recommendation.

3.1.2 Finance Committee

The Finance Committee shall be notified of real property dispositions with the exception of those involving vacant lots that do not meet minimum space and bulk standards for construction that are assessed at \$10,000 or less and are to be transferred to the owners of an abutting property so that the Committee may consider sending a recommendation to the City Council. For properties assessed at more than \$10,000, the Purchasing Agent will solicit a recommended means of disposition from the Finance Committee.

3.1.3.2 City Initiated Sale or Lease.

~~3.1.1~~**3.2.1** The Planning and Code Department of the City will periodically review real property currently owned by the City but not in active use for municipal purposes to determine whether these properties should be retained or considered for sale or lease. Once properties have been identified for which there is no current City use, the Department will notify the City Administrator.

~~3.1.2~~**3.2.2** The City Administrator will then notify all Department Heads of the property or properties being considered for sale and offer them the opportunity to indicate any potential use or need their department might have for the property, including its potential for land banking against future uses.

~~3.1.3~~**3.2.3** After consideration of the responses of the various Departments, the Administrator will make a determination if the property should be declared surplus or retained for potential future use.

~~3.23.3~~ Private Sector Request to Purchase or Lease

~~3.32.1~~ **3.32.1** All requests from the private sector for the purchase or lease of City property shall be directed to the City Administrator.

~~3.32.2~~ **3.32.2** The Administrator shall notify all Department Heads of the request and provide them with the opportunity to identify any current or potential use which the City may have for the property.

~~3.32.3~~ **3.32.3** After consideration of the responses of the various Departments, the Administrator will make a determination of whether the property should be declared surplus or retained for current or potential future use.

~~3.2.3~~ **3.2.3** ~~Once the Administrator has determined a property to be surplus, the Planning Board will be asked to review and make a recommendation on whether to proceed with its disposition. A recommendation from the Planning Board will remain valid for three years; however, should circumstances change during this period, the Administrator may seek an updated review and recommendation.~~

4.0 Procedure for Disposition of Surplus Property – Substandard Lots

4.1 Vacant lots that do not meet minimum space and bulk standards for construction may, at the discretion of the City Administrator, be offered for sale or lease to abutting property owners. If one or

more of these owners express an interest in the property, the City Administrator shall make a recommendation to the City Council on the disposition of the property.

4.2 The following factors will be considered in determining whether the property should be sold:

- 4.2.1 The proposed sale price or lease rate, if any, as compared to an estimate of the value of the property prepared by the City Assessor;
- 4.2.2 The proposed use of the property;
- 4.2.3 The value of any proposed improvements to the property;
- 4.2.4 The impact of the sale or lease of the property on the assessed value of the adjacent property in the same ownership; and
- 4.2.5 The extent to which the sale or lease will support overall City policy in the area or neighborhood within which the property is located.

5.0 Procedure for the Disposition of Surplus Property – Potentially Developable

In instances where surplus property may be redeveloped or developed, that property may be marketed by one of a number of methods based on the nature and estimated value of the property and any specific plans or policies which development of the property might either further or hinder. The following methods may be used to market the property, including a combination of two or more.

- 5.1 Request for Proposals.** The City may use a Request for Proposals process. This process is generally best suited to significant development parcels for which the City has specific expectations as to the nature, type, and value of the anticipated development.
- 5.2 Real Estate Broker.** The City may contract with a real estate broker to find a buyer. This method may be most applicable to individual properties or groups of properties that the City is seeking to redevelop or develop for a specified purpose such as single family housing and/or multi-family housing renovation.
- 5.3 Formal Bid.** The City may advertise for formal bids. This method may be most applicable in instances where the City believes that multiple parties may be interested in the property and the nature of the development or redevelopment is such that the City does not

anticipate placing additional restrictions on what is to happen on the property after its sale.

5.4 Self-Brokerage. The City may employ a sell by owner approach. This would generally be applicable to situations such as the sale of individual lots within a residential or commercial subdivision.

5.5 Direct Negotiation. Where alternative methods have failed to produce an acceptable sale and/or in instances where the City has been directly approached by an individual or organization with a proposal that matches or exceeds the City's expectations for development on the parcel, the City may entertain direct negotiations with a private party who expresses interest in purchasing a property.

5.6 The City Administrator shall recommend to the City Council the disposition method or methods to be used at the time the Council is asked to approve disposition of the property.

6.0 Council Approval of Disposition

6.1 The final decision to accept a bid, proposal, or offer to purchase City-owned property must be made by the City Council.

6.2 The normal process for transferring a city-owned property will be by way of municipal quitclaim deed. Warranty deeds may be approved in instances where such action is recommended by the City Administrator for good and reasonable cause.

Additions are underlined; deletions are ~~struck through~~.

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT: Order, Authorizing the Deputy City Administrator to Execute the Necessary Documents to Accept the Donation of the Property at 31 Goodale Street.

INFORMATION:

Ownership of the 3.28 acre property at 31 Goodale Street has been inherited by Carol Cottle, Patricia Cyr, Pauline Hogan, and Jerome Hogan. Jean Rueda, the executor of the estate, contacted the city and indicated all four owners intended to donate this land to the City upon acceptance of the donation by the City Council.

The lot is currently undevelopable since it is zoned Resource Conservation (RC); most of it is wetland or floodplain associated with No Name Stream; it does not have frontage on an accepted city street, although access could be provided if a paper street was ever constructed; and the paper street itself is impacted by the same No Name Stream natural resources. For these same reasons, the City has acquired a number of parcels in this area deemed undevelopable, either through donation or tax foreclosure. The current assessed value of the property is \$11,760.

Given that the property cannot be developed and may be of benefit for purposes of future wetland mitigation or open space, staff recommends accepting the donation.

The Planning Board has reviewed and approved a favorable recommendation to accept this donation.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator has an ownership interest in property near the donated parcel and has recused himself from participation in this issue. It is being handled by the Deputy Administrator.

EAB/imm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order, Authorizing the Deputy City Administrator to Execute the Necessary Documents to Accept the Donation of the Property at 31 Goodale Street.



COUNCIL ORDER

Order, Authorizing the City Manager to Execute the Necessary Documents to Accept the Donation of the Property at 31 Goodale Street.

Whereas, 31 Goodale Street is a vacant, undevelopable lot adjacent to city-owned property associated with the wetlands and floodplains of No Name Stream; and

Whereas, the executor of the estate, on behalf of the inheritors of the property, contacted the City and indicated that the owners wished to donate the property to the City; and

Whereas, the property is adjacent to a number of other vacant parcels that have come into the City's possession as a result of donations or tax foreclosure; and

Whereas, although the property cannot be developed, it may be of benefit for future wetland mitigation or open space; and

Whereas, the Planning Board approved a favorable recommendation that the City accept this donation;

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

The Deputy City Administrator is hereby authorized to execute the necessary documents to accept the donation of the property at 31 Goodale Street.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Ed Barrett, City Administrator
City Clerk's Office
City Council Members
Mayor Kristen Cloutier

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

DATE: July 9, 2019

RE: Planning Board Action: Acquisition of 57 Knox Street and 31 Goodale Street

The Planning Board took the following actions at their public meeting held on July 8, 2019 regarding the acquisition of 57 Knox Street and 31 Goodale Street.

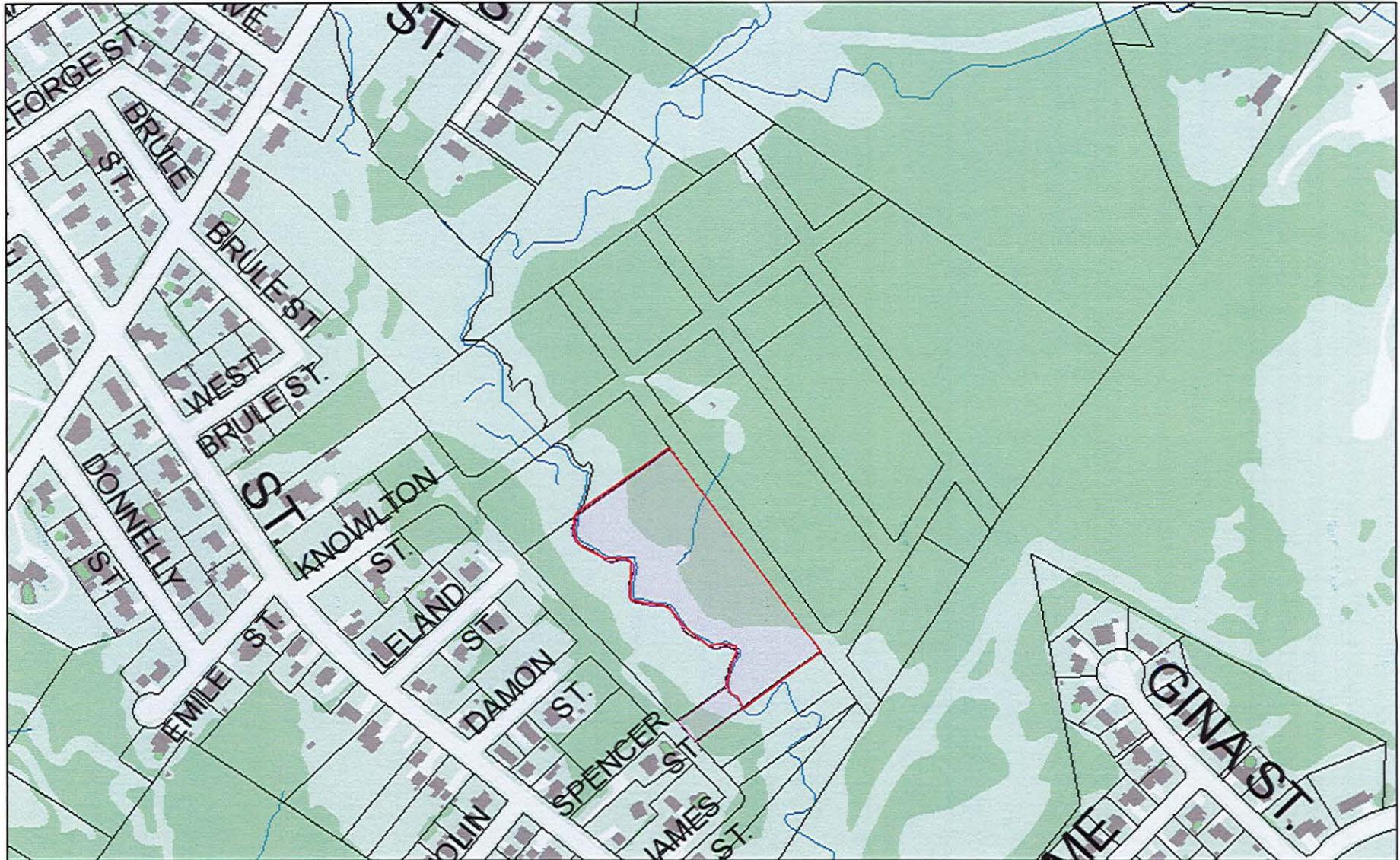
MOTION: by **Lucy Bisson** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the acquisition in the form of a donation of 57 Knox Street with a condition to avoid any long term lease on this property that might preclude future development. Second by **Norman Anctil**.

VOTED: 5-0 (Passed)

MOTION: by **Lucy Bisson** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the acquisition in the form of a donation of 31 Goodale Street. Second by **Sandra Marquis**.

VOTED: 5-0 (Passed)

City of Lewiston



June 27, 2019

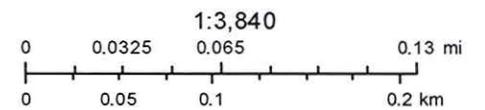
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 Override 1

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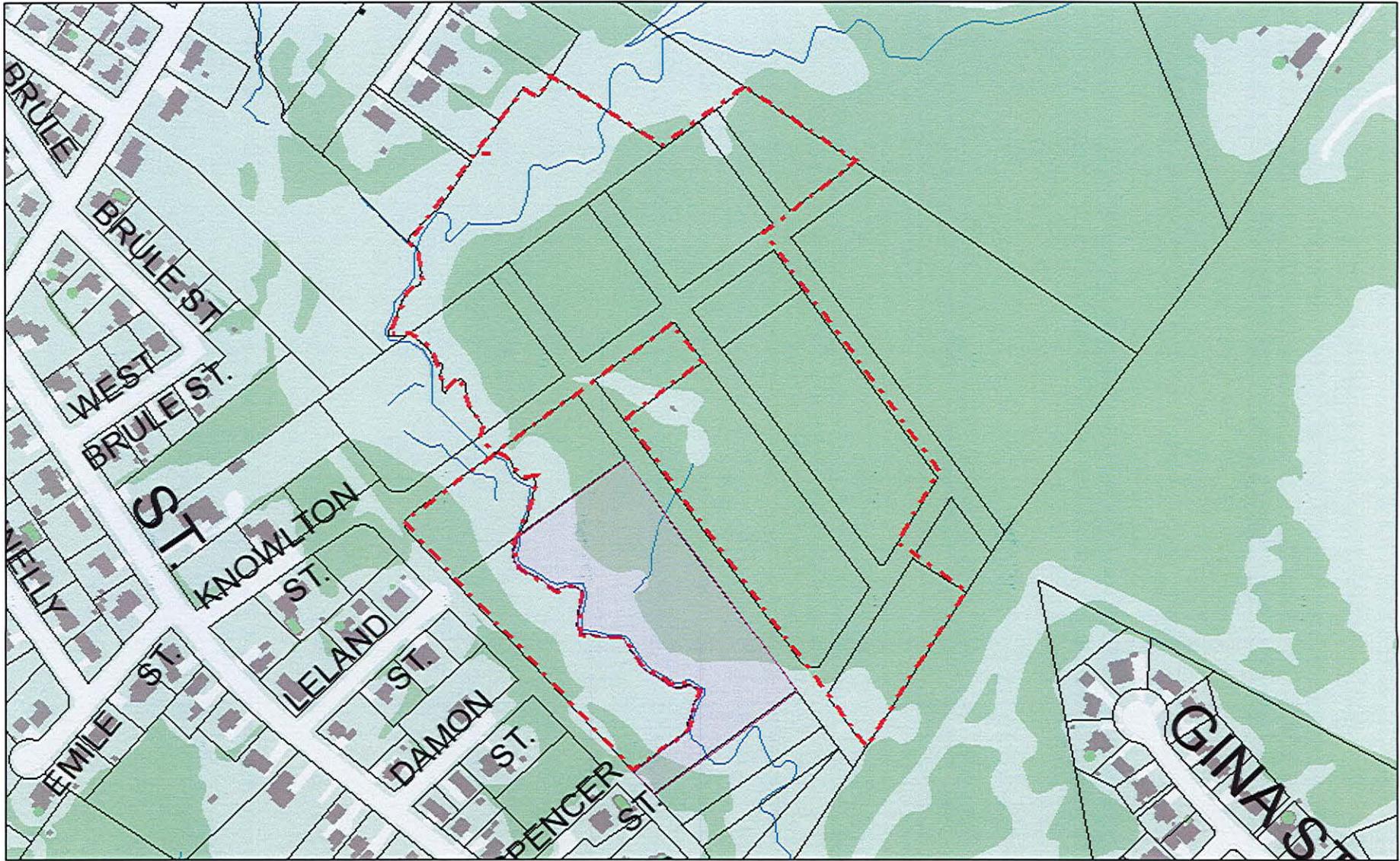
LewGIS.SDE.LEW_roadcl_geocode

 City Limits



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

City of Lewiston



June 27, 2019

polygonLayer

Override 1

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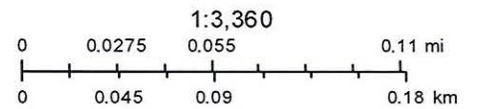
AdvancedDrawPolyline

Override 1

Override 2

LewGIS.SDE.LEW_roadcl_geocode

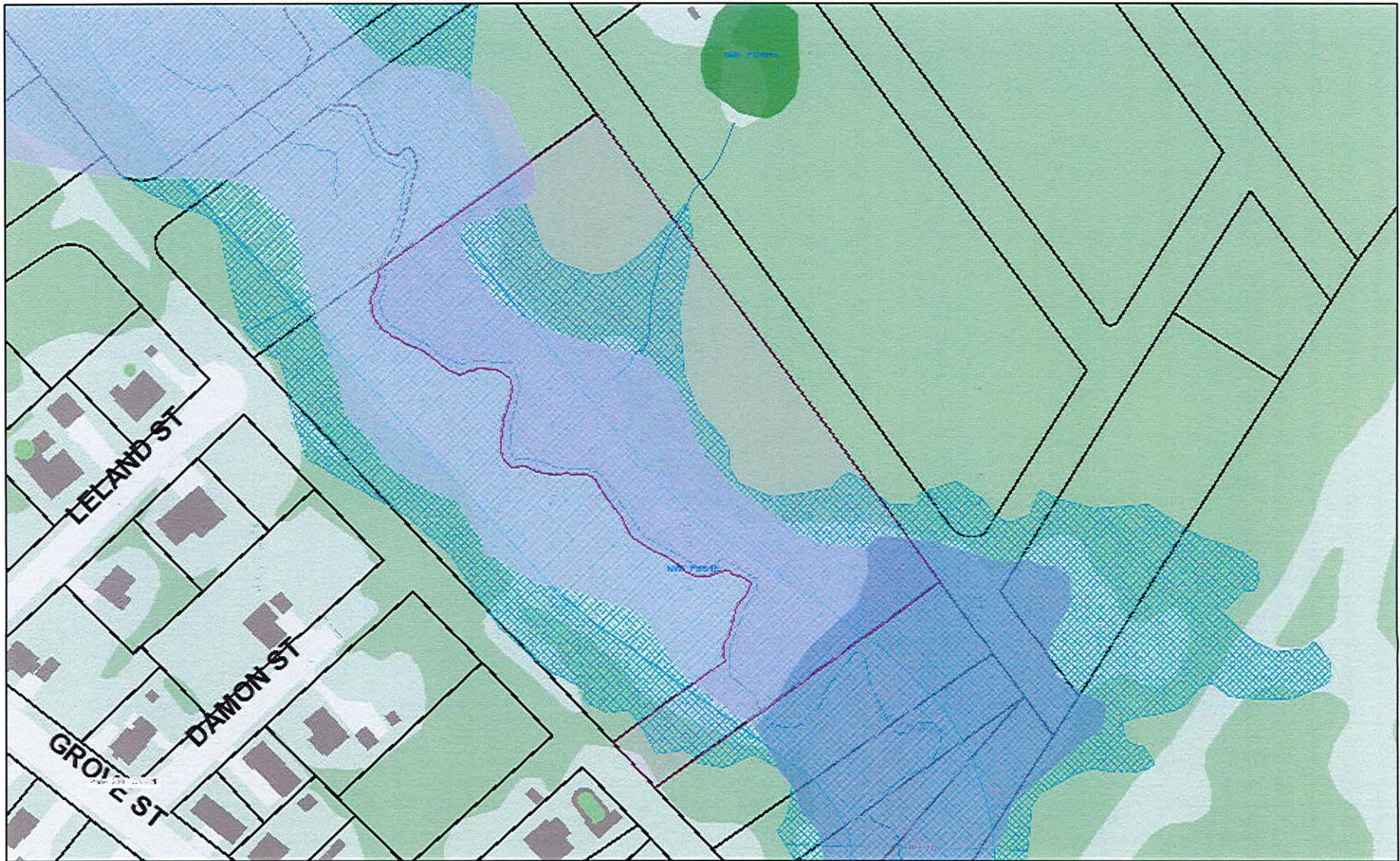
City Limits



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand).

City of Lewiston
City of Lewiston

City of Lewiston



June 27, 2019

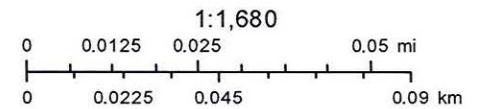
polygonLayer

 Override 1

LewistonGIS.DBO.LEW_parcel_poly_sub_layeredwithdata_w

LewGIS.SDE.LEW_roadcl_geocode

 City Limits



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Jean Rueda
845 Country Club Road
Bridgewater, NJ 08807
Cell: (908) 304-3359
Email: jmr0331cat@gmail.com

June 3, 2019

City of Lewiston
27 Pine Street
Lewiston, ME 04240

Attention: Ed Barrett

Re: 31 Goodale Street / Parcell #00-004778 / Account #4764

Dear Mr. Barrett:

The above referenced property is owned by four individuals: Carol Cottle, Patricia Cyr, Pauline Hogan & Jerome Hogan.

Patricia Cyr died April 18, 2018 and I was appointed executor of her estate on May 1, 2018 by the Union County (NJ) Surrogate's Court. I am providing you with the appointment of executor and a death certificate for your reference.

All four parties intend to make a gift of this land to the City of Lewiston upon acceptance of the City Council.

I am providing my intent for the estate's one-fourth owner of this property to make the gift to the City of Lewiston.

Please (if possible) return the original appointment of executor and a death certificate – I have provided a return envelope for your convenience.

Please advise if you require additional information.

Sincerely,



Jean Rueda
Executor for the
Estate of Patricia Cyr

Confidential

Internal



CITY OF LEWISTON REAL ESTATE TAX STATEMENT

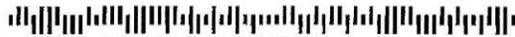
Fiscal Year 2019
July 1, 2018-June 30, 2019

PARCEL NUMBER	ACCOUNT NUMBER	DATE OF BILLING
00-004778	4764	1/23/2019

TOTAL TAXES	\$337.16
BILL NUMBER	19A00004778
DUE SEPTEMBER 17, 2018	\$0.00
DUE MARCH 15, 2019	\$70.34
AMOUNT PAID TO DATE	(\$269.15)
INTEREST DUE	\$0.00
BALANCE DUE	\$70.34

LOCATION OF PROPERTY AND DESCRIPTION
00031 GOODALE ST
LAND-L 151-168/135-136

S54047 P0 - 1



2746

COTTLE, CAROL / CYR, PATRICIA
HOGAN, PAULINE/JEROME
PO BOX 111
HOULTON, ME 04730-0111

CURRENT BILLING INFORMATION	
Valuation	\$11,760.00
Homestead Exemption	\$0.00
Other Exemption	\$0.00
Taxable Valuation	\$11,760.00
Tax Rate	\$28.67
TOTAL TAX	\$337.16

PAYMENT & REMITTANCE INSTRUCTIONS
Please send remittance copy below Payment by check: payable to: CITY OF LEWISTON Payment by Credit/Debit Card: PLEASE NOTE: A 2.5% merchant fee (minimum of \$1.00) will be charged on all credit/debit card transactions. Please complete credit/debit card information and sign remittance copy below.
Mail to: City of Lewiston Tax Collector 27 Pine Street Lewiston, ME 04240-7200

TAXPAYER NOTICE

Notice is hereby given that your property tax for fiscal year 2019 (July 1, 2018 through June 30, 2019) is payable in (2) equal installments on September 17, 2018 and March 15, 2019 and interest will be charged on the first installment at an annual rate of 8% from September 18, 2018. Interest will be charged on the second installment at an annual rate of 8% from March 16, 2019.

Pursuant to Title 36 ss 502 of Maine Law, the ownership and taxable valuation of all real and personal property subject to taxation shall be fixed as of April 1st of each year. If you have sold your property since April 1, 2018, it is your obligation to forward this bill to the current property owner.

This bill is for taxes due for the current fiscal year 2019 (July 1, 2018 through June 30, 2019). If "Prior Taxes Due" is indicated above, the outstanding amount for any prior tax year(s) is not included in the amount on this tax bill.

Your property taxes are utilized to fund the following:

City Budget: 57.8%
School Budget: 37.3%
County Budget: 4.9%

As a result of funds received from the state through the state municipal revenue sharing program, homestead exemption reimbursement and state aid to education, your property tax bill has already been reduced by 60.9%.

The City's outstanding bonded indebtedness as of June 30, 2018 is \$182,982,450.00

QUESTIONS?

For valuations, call the Assessor's Office at (207) 513- 3122.

For payments and interest, call the Tax Collector's Office at (207) 513-3131.

OFFICE HOURS:

8:30 a.m. to 4:00 p.m. Monday through Friday

REMITTANCE COPY - PLEASE SUBMIT BOTTOM PORTION ALONG WITH YOUR PAYMENT



CITY OF LEWISTON REAL ESTATE TAX STATEMENT

COTTLE, CAROL / CYR, PATRICIA
HOGAN, PAULINE/JEROME
PO BOX 111
HOULTON, ME 04730-0111

TELEPHONE #

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If you wish to pay by credit card indicate card type and write number and signature below.

MasterCard Visa Amex Discover

PLEASE NOTE: A 2.5% merchant fee (\$1.00 minimum) will be charged on all credit/debit card transactions.

NAME ON CARD

ZIP CODE

Credit Card Number

Security Code

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Expiration Date

Signature

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LOCATION	00031 GOODALE ST LAND-L 151-168/135-136
PARCEL NUMBER	00-004778
ACCOUNT NUMBER	4764
DATE OF BILLING	1/23/2019
DUE SEPTEMBER 17, 2018	\$0.00
DUE MARCH 15, 2019	\$70.34
PAYMENT AMOUNT	

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT: Order, Authorizing the City Manager to Execute the Necessary Documents to Accept the Donation of the Property at 57 Knox Street.

INFORMATION:

57 Knox Street is a vacant 2,613 square foot property located in the Downtown (DR) district. Planning and Code Enforcement condemned a vacant three unit structure previously located on this property in February 2018. Shore to Shore Title, LLC on behalf of the owner, US Bank National Association, worked with staff to pay for the property's demolition in late 2018. The property has only 25' of frontage and is not developable (the minimum frontage needed is 50'). As a vacant lot, it is currently being assessed for \$8,700. All taxes, fees, and utilities are paid and current.

The owner's representative has approached other abutting owners regarding the possible sale of the property, with no success. At this time, they are interested in donating the land to the City. The City owns the abutting lot at 61 Knox Street, which is currently a community garden operated by St. Mary's Nutrition Center/ Lots to Gardens. City staff recommends accepting the donation of this property given that it is not developable and that it may be combined with the abutting City owned land at 61 Knox Street for possible expansion of the community garden, open space, or future development.

The Planning Board has reviewed and approved a favorable recommendation to accept the donation with a condition that any long-term lease on the property that might preclude future development should be avoided.

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 the City Manager to Execute the Necessary Documents to Accept the Donation of the Property at 57 Knox Street.



COUNCIL ORDER

Order, Authorizing the City Manager to Execute the Necessary Documents to Accept the Donation of the Property at 57 Knox Street.

Whereas, 57 Knox Street is a vacant, undevelopable lot adjacent to city-owned property; and

Whereas, city staff has worked with the bank that owns this property to pay for the demolition a condemned structure previously located on this property; and

Whereas, the bank subsequently approached all abutting property owners to explore whether there was any interest in purchasing this vacant lot; and

Whereas, absent such interest, the property has been offered to the city as a donation; and

Whereas, the city owns properties adjacent to this lot which are currently being used as open space and a community garden; and

Whereas, the Planning Board approved a favorable recommendation that the City accept this donation with a condition that any long-term lease on the property that would preclude future development should be avoided;

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

The City Manager is hereby authorized to execute the necessary documents to accept the donation of the property at 57 Knox Street.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Ed Barrett, City Administrator
City Clerk's Office
City Council Members
Mayor Kristen Cloutier

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

DATE: July 9, 2019

RE: Planning Board Action: Acquisition of 57 Knox Street and 31 Goodale Street

The Planning Board took the following actions at their public meeting held on July 8, 2019 regarding the acquisition of 57 Knox Street and 31 Goodale Street.

MOTION: by **Lucy Bisson** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the acquisition in the form of a donation of 57 Knox Street with a condition to avoid any long term lease on this property that might preclude future development. Second by **Norman Anctil**.

VOTED: 5-0 (Passed)

MOTION: by **Lucy Bisson** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the acquisition in the form of a donation of 31 Goodale Street. Second by **Sandra Marquis**.

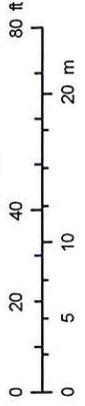
VOTED: 5-0 (Passed)

57 Knox Street



July 2, 2019

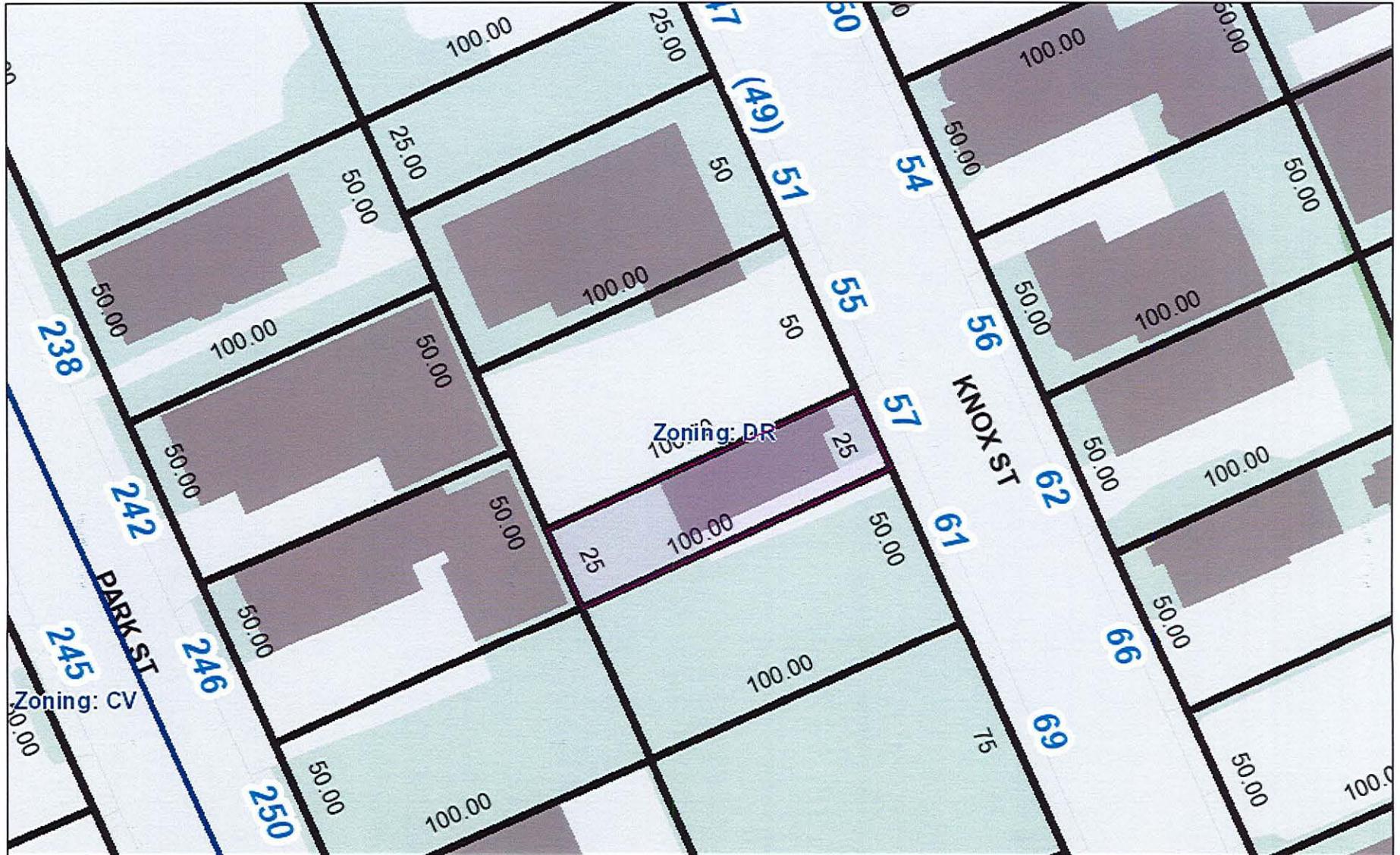
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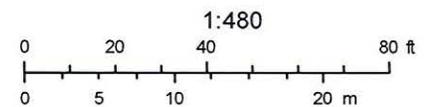
Lewiston, Maine
Lewiston, Maine

City of Lewiston
City of Lewiston

57 Knox Street



July 2, 2019



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand).

City of Lewiston
City of Lewiston

David Hediger

From: Steven B. Greenfield <SGreenfield@florida-legal.net>
Sent: Friday, June 28, 2019 2:23 PM
To: 'Michael Carey'
Cc: David Hediger
Subject: RE: Donation of 57 Knox

Mike

I am pleased to confirm my client's interest in donating the property to the City.

Steven B. Greenfield, Esq.

President, Shore to Shore Title, LLC
6111 Broken Sound Parkway, NW
Suite 350
Boca Raton, FL 33487
(561) 288-8966 (Direct)
(561) 892-0916 (FAX)
Sgreenfield@florida-legal.net

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-----Original Message-----

From: Michael Carey [mailto:MCarey@brannlaw.com]
Sent: Friday, June 28, 2019 2:12 PM
To: Steven B. Greenfield <SGreenfield@florida-legal.net>
Cc: David Hediger <DHediger@lewistonmaine.gov>
Subject: Donation of 57 Knox

Steve – hope you are well! On behalf of the City, thanks again for the offer to donate 57 Knox.

The staff is beginning the public process to accept the donation. This is tentatively before the Planning Board next month. Can you confirm the owner's interest in donating the property the City?

Thanks,

BRANN & ISAACSON
ATTORNEYS AND COUNSELORS AT LAW

MICHAEL E. CAREY | Associate
mcarey@brannlaw.com

June 7, 2019

VIA EMAIL AND CERTIFIED MAIL

Steven B. Greenfield, Esq.
Greenfield Law Group, P.A.
6111 Broken Sound Parkway, NW, Suite 350
Boca Raton, Florida 33487

RE: Code Enforcement re 57 Knox Street—Demolition

Dear Steven:

On October 5, 2018, your client U.S. Bank National Association, as trustee, successor in interest to Bank of America (the “Owner”) entered into a Consent Order and Judgment with the City of Lewiston (the “City”) to demolish the Structure and stabilize the site located at 57 Knox Street, Lewiston, ME (the “Premises”). On October 1, 2018, as subsequently amended, the Owner and the City agreed to a process by which the City would aid the Owner in its court-ordered requirement of the Judgment to demolish the Structure and stabilize the site at the Premises. This agreement was memorialized in an October 3, 2018 letter. As part of that agreement, the Owner deposited \$40,000 (the “Prepayment Funds”) (one payment of \$10,000 in October 2018 and a second payment of \$30,000 in November 2018) into Brann & Isaacson’s trust account for the reimbursement of demolition costs, administrative costs and attorney’s fees and costs.

On January 4, 2019, I sent you a summary of the demolition at the Premises, including certain costs the City had incurred to date, which totaled \$26,226.42, as well as estimated future costs. On January 11, 2019, a check in that amount was issued to the City from the Prepayment Funds to cover the January 4th City invoice. On June 6, 2019, I sent you the City’s final invoice for the demolition of the Premises, which totaled \$7,930.36, and which you authorized me to disburse to the City. Today, Brann & Isaacson issued a check in the amount of \$7,930.36 to the City from the Prepayment Funds, leaving a remaining balance of \$5,843.22 in the trust account.

We have previously sent you a copy of the satisfaction of the Consent Order and Judgment. Enclosed please find a check in the amount of \$5,843.22 from the Brann & Isaacson trust account along with a copy of the Discharge of Writ of Execution.

If you have any questions, please do not hesitate to contact me.

BRANN & ISAACSON
ATTORNEYS AND COUNSELORS AT LAW

June 7, 2019
Page 2

Very truly yours,

BRANN & ISAACSON



Michael E. Carey

MEC/klb
Enclosure

cc: Allen Ward (by email)
Heather Hunter (by email)
Pamela LaBelle (by email)
David Hediger (by email)

COPY

DISCHARGE OF WRIT OF EXECUTION

City of Lewiston being the holder of a certain writ of execution against **US Bank National Association, as trustee, successor in interest to Bank of America, National Association as Trustee as successor by merger to LaSalle Bank National Association, as trustee for certificateholders of Bear Stearns Asset Backed Securities I LLC, Asset-Backed Certificates, Series 2005-HE6 and Select Portfolio Servicing, Inc.** dated December 20, 2018, and recorded in the Androscoggin County Registry of Deeds on December 26, 2018 in Book 9999, Page 330, hereby discharges and releases the writ of execution in its entirety. The City of Lewiston, having given notice of the pendency of this matter that resulted in said writ of execution by the recordation of a lis pendens in the Androscoggin County Registry of Deeds at Book 9853, Page 277, hereby releases, cancels and annuls the lis pendens as to the subject property.

City of Lewiston has caused this instrument to be executed in its corporate name by Edward A. Barrett its City Administrator, duly authorized, this 7th day of June, 2019.

CITY OF LEWISTON



By: Edward A. Barrett
Its: City Administrator

STATE OF MAINE
COUNTY OF ANDROSCOGGIN

June 7, 2019

Then personally appeared the above named Edward A. Barret and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act in deed of said municipality.

Before me,


Notary Public/Attorney at Law

Janet D. Labbe
Print Name

My Commission Expires: 06/07/2020



LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT: Order, Authorizing the City Administrator to Execute an Agreement with the Androscoggin Valley Council of Governments for the Operation of the Environmental Depot at the City's Solid Waste Facility.

INFORMATION:

For many years, the City of Lewiston has hosted AVCOG's Environmental Depot at our solid waste facility on River Road. The Depot handles household hazardous wastes and provides our residents with an outlet for these chemicals. AVCOG contracts with a firm to staff and operate the depot. It is open on the third Saturday of each month for the months of May through October with operating hours from 8 am to 11:45 am.

The prior agreement between the City and AVCOG has expired, and this new agreement will allow the Depot and hazardous waste collection to continue.

The agreement is for an initial one year term with the term automatically renewing for additional one year terms in the absence of a sixty day notice of termination by either party. The overall term cannot exceed 20 years. AVCOG will ensure that the facility operator carries adequate insurance coverage, including pollution liability and hazardous waste transport liability. AVCOG, the operator, and the City will indemnify and hold harmless the other parties harmless from any claims and liabilities arising from their actions.

We believe this is a good service to offer to our residents and provides an outlet for disposal of substances that might otherwise find their uncontrolled way into the environment.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval.

GAB/Km

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order, Authorizing the City Administrator to Execute an Agreement with the Androscoggin Valley Council of Governments for the Operation of the Environmental Depot at the City's Solid Waste Facility.



PUBLIC WORKS DEPARTMENT

Dale F. Doughty, Director

10 July 2019

To: Ed Barrett, City Administrator

From: Dale Doughty, Public Works Director

Attached is a proposed updated agreement with Androscoggin Valley Council of Governments (AVCOG) for them and their contractor to operate a Household Hazardous Waste Depot at Lewiston's Solid Waste Facility on River Road. Lewiston residents have enjoyed the opportunity to dispose of small quantities of household hazardous waste at this location since 2005.

The benefits of this program include: removal of hazardous waste materials such as pesticides, herbicides, solvents, drain cleaner, oven cleaners and other hazardous chemicals from homes and garages throughout the city where they could impact the safety of our residents. This program also helps keep these chemicals out of our water ways, open spaces, sewers and landfills, protecting Maine's environment.

For more information on the Operation of the Hazardous Waste Depot:

<https://www.lewistonmaine.gov/720/Paint-Other-Hazardous-Product-Disposal>

Attached is a new/updated agreement for City Council consideration. This agreement streamlines some of the processes and billing procedures.

As part of the FY 2020 budget processes, council approved \$6,300 to support this effort. When all bills clear Lewiston will have spent \$7,380 in FY19.

I recommend approval of this contract.



COUNCIL ORDER

Order, Authorizing the City Administrator to Execute an Agreement with the Androscoggin Valley Council of Governments for the Operation of the Environmental Depot at the City's Solid Waste Facility.

Whereas, the Androscoggin Valley Council of Governments has long operated an Environmental Depot at the City's solid waste facility to provide an appropriate disposal option for household hazardous waste; and

Whereas, the exiting agreement between AVCOG and the City has expired and must be replaced with a new agreement; and

Whereas, such an agreement has been negotiated by City staff; and

Whereas, offering our residents an appropriate outlet for the disposal of hazardous household waste is a service that benefits our residents and also ensures that such substances do not find their uncontrolled way into the environment;

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

The City Administrator is hereby authorized to execute an agreement with the Androscoggin Valley Council of Governments for the operation of the Environmental Depot at the City's solid waste facility in a form substantially as attached hereto.

AGREEMENT BETWEEN AVCOG AND THE CITY OF LEWISTON
For the
OPERATION OF THE ENVIRONMENTAL DEPOT

In order to provide a safe and convenient means to manage hazardous household products generated by residents of Androscoggin, Franklin and Oxford counties, the Androscoggin Valley Council of Governments (AVCOG) has devised a permanent household hazardous waste program and enters into this agreement with the City of Lewiston, Maine (Municipality) _____ and **amended on the** _____ **day of** _____, 2019.

The parties agree as follows:

I. DEFINITIONS

Host Community: Whenever the term Host Community, or a pronoun in its stead, is used, it shall mean the City of Lewiston, Maine, a municipality organized and regulated by the laws of the State of Maine, whose property the Facility will be located.

Facility: Whenever the term Facility, or a pronoun in its stead, is used, it shall mean the structures and equipment, located at Lewiston's Solid Waste Facility, used for the collection, handling and storage of Household Hazardous Waste materials. Owner shall furnish the Facility as constructed at the Lewiston Solid Waste Facility.

Household Hazardous Waste: Whenever the term Household Hazardous Waste (HHW), or a pronoun in its stead, is used, it shall mean a waste substance or material, in any physical or chemical state, designated by rule as hazardous by Maine's Board of Environmental Protection under 38 MRSA section 1319-O, but is considered exempt from this rule given that it was derived through normal household activities. HHW shall not include explosives/ammunition, prescription medicines, radioactive wastes, biowaste and cylinders of unknown contents. The fact that HHW or a part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

Orphan Waste: Any solid waste which meets the definition of a Hazardous Waste per 38 MRSA 1319-O and is not approved by Maine Department of Environmental Protection for disposal at Lewiston's Solid Waste Facility, which has been abandoned at the Solid Waste Facility.

Owner: The Owner of the Facility is, Androscoggin Valley Council of Governments, also referred to as AVCOG. Whenever the term Owner, or a pronoun in its stead, is used, it shall mean Androscoggin Valley Council of Governments, which at the time of signing of this Contract, is located at 125 Manley Road, Auburn, Maine. The Owner owns all equipment, purchased by the Owner, and all structures associated with collection and storage of the HHW and is responsible for purchase, installation, maintenance and removal of said Facility. In addition, the Owner is responsible for developing, distributing, approving and maintaining any and all contracts for the operations of the Facility. The Owner and Operator shall remain familiar with all current Maine Statutes

and regulations governing the collection, handling, storage, conveyance and disposal of Hazardous Waste. Operator will provide any documentation of compliance upon request at any time.

Operator: Whenever the term Operator, or a pronoun in its stead, is used, it shall mean the individual, firm, business, or corporation contracted by the Owner to collect, handle and dispose of HHW brought to the Facility. The Operator shall at all times maintain licenses, as required by local, State and Federal regulations for the collection, handling, and disposal of HHW and shall take title to any and all waste accepted by the Operator for disposal.

Disposal/Recycling Facility: Whenever the term Disposal/Recycling Facility, or a pronoun in its stead, is used, it shall mean the hazardous waste transfer, storage and disposal facility(ies) used by the Operator for the disposal, treatment, incineration, stabilization, landfilling or recycling of HHW collected by the Operator for disposal. All Disposal/Recycling Facility(ies) shall procure and maintain all required local, State and Federal hazardous waste licenses/permits and meet all regulatory requirements pertinent to those disposal/recycling operations. Facilities will be added by Operator on an annual basis.

Member Municipality: Whenever the term Member Municipality, or a pronoun in its stead, is used, it shall mean any **Maine** community that enters into an agreement with the Owner for use of the Facility.

Unit: A unit shall be estimated by the Operator, in conjunction with a representative of the Owner. A Unit shall consist of 5 gallons of liquid HHW, 20 pounds of solid HHW or some combination thereof, using direct proportions **such** as 2 gallons of liquid, or dried up liquid, and 12 pounds of solid such as fertilizer, pesticide or a dry swimming pool disinfectant.

Environmental Depot Advisory Group: will be comprised of representatives from AVCOG, the Host Community (Public Works Director or Designee), Depot Operator, AVCOG Operator Forum and Casella. This will be the governing entity and shall meet annually to review the operation of the Facility and implement any changes necessary or review issues that may need attention. This group will also be contacted should there be any issues that arise during the operational season of the Environmental Depot.

II. HHW PROGRAM

A. AVCOG has established a permanent HHW Facility and contracts with an Operator to receive and manage HHW generated and delivered to the Facility by residents of Member Municipalities and other residents of Maine in accordance with this Agreement.

B. AVCOG agrees to operate the Facility annually at least one day each month from May through October. The days and hours of operation shall be determined by the Environmental Depot Advisory Group. For current Depot days of operation, please see Rider A.

C. The **City of Lewiston (Host Community)** and Member Municipalities shall budget funds to pay for household hazardous waste their residents bring to the Facility or a satellite collection and for the disposal of Orphan Waste (as described).

When the budget is exhausted, the Host Community will have the option to add additional monies to their budget or any remaining units shall be charged to residents.

D. The Member Municipalities will take all reasonable measures including, but not limited to, delivering a hazardous product education program and providing staff monitoring at the transfer station to encourage residents to properly manage their HHW. AVCOG will assist all participating towns with public education materials, including information on proper management of Excluded Waste.

III. RULES AND PROCEDURES FOR FACILITY

A. AVCOG, in conjunction with the City of Lewiston (Host Community) and the Operator, shall promulgate specific rules and procedures for the use and operation of the Facility as long as said rules and procedures do not conflict with this Agreement or Federal, State, or local regulatory requirements. The Environmental Depot Advisory Group shall be consulted regarding revisions to the Rules & Procedures before final adoption. Said rules will be stated in Rider A.

B. The parties agree to be bound by said rules and procedures in all respects as if they were originally made a part of this agreement.

C. Such rules shall govern:

1. Days and hours when the Depot will be open to receive HHW (See Rider A);
2. Methods to be used to ensure that only household generated wastes are brought to the Facility;
3. All other appropriate rules and procedures pertaining to the management and control of the Facility adjusting to operational Facility changes;
4. Such other issues as may arise from time to time.

IV. FINANCING FACILITY OPERATION

A. AVCOG agrees to maintain records of the use of the Facility and to provide such information to Member Municipalities monthly after each satellite collection date and Environmental Depot days of operation.

B. All Member Municipalities will be equally responsible for the cost of handling all orphan waste dropped at satellite collection events, left at the Environmental Depot or at the Lewiston Solid Waste facility gate. Fees charged to Member Municipalities shall be set at a level which, at a minimum, ensures full recovery of all costs, including facility management, disposal and the cost of orphan waste disposal.

C. The cost of each Unit (as defined) shall be calculated annually and distributed to the Environmental Depot Advisory Group for review and approval, no later than December 31 of the year in which the Facility was in operation.

D. Fees charged to residents of towns not a party to this agreement shall be set at a level which, at a minimum, ensures full recovery of all costs, including facility management, disposal and the cost of orphan waste disposal. (See Rider A for current pricing.)

V. HOST COMMUNITY RESPONSIBILITIES AND BENEFITS

A. The Host Community will provide the site for the Facility, allow residents from Member Municipalities access to the Facility, maintain and plow the access road to the Facility and provide the Operator use of rest room facilities and disposal of non-hazardous waste only generated as part of the operation of the Environmental Depot during its normal operation.

B. “The Host Community agrees to host the Facility for a minimum of **twenty (20)** years, unless this contract is terminated (see section IX Term of Agreement). The host community shall allow the Owner to remove all structures and equipment associated with the Facility, in the event this Agreement is terminated. The Owner agrees to restore the site to pre-construction condition at its cost, should the Agreement be terminated..

C. The Host Community will have no further responsibility for operation of the Facility, including managing or storing hazardous or solid waste generated by the operations, utilities or insurance.

D. For use of the site for the Facility, the Host Community will have access to store Orphan Waste (as defined) in the Facility and will be equally responsible for the cost of disposal of orphan waste as described above.

V. INDEMNITY

A. The Member Municipalities will indemnify, defend and hold harmless AVCOG and the Host Community, their agents and employees against and from any and all claims and liabilities arising from actions by the Member Municipality, its agents and employees in conjunction with the administration and implementation of this Agreement. The obligation to indemnify shall include the obligation to reimburse AVCOG and/or the Host Community for all of its costs and attorneys fees reasonably incurred in connection with the defense of any such claim.

B. AVCOG will indemnify and hold harmless the Member Municipalities, their agents and employees, to the extent AVCOG has insurance, against and from any and all claims and liabilities arising from actions by AVCOG, its agents and employees in conjunction with the administration and implementation of this Agreement. The obligation to indemnify shall include the obligation to reimburse the Member Municipality for all of its costs and attorneys fees reasonably incurred in connection with the defense of any such claim.

C. AVCOG's contract with the Operator will require the Operator to indemnify and hold harmless the Member Municipality, its agents and employees, to the extent AVCOG has insurance, against and from any and all claims and liabilities arising from actions by AVCOG, its agents and employees in conjunction with the administration and implementation of this Agreement. The obligation to indemnify shall include the obligation to reimburse the Member Municipality for all of its costs and attorneys fees reasonably incurred in connection with the defense of any such claim.

VII. Conflict Resolution: See Rider A

VIII. FORCE MAJEURE

The Parties shall not be held liable for any failure or delays in fulfillment of their obligations under this Agreement arising from strikes, fires, severe weather such as blizzards and hurricanes, acts of God or any other cause that by reasonable diligence could not be prevented.

IX. TERM OF AGREEMENT

A. The Term of Agreement shall be from the date signed until January 1 next following the signing, except that no Agreement shall expire before January 1, 2020.

B. The Agreement will automatically renew itself for one year on January 1 of each year unless either party notifies the other in writing sixty (60) days before January 1.

C. Either party may terminate this Agreement sixty (60) days after giving written notice to the other party.

X. APPLICABLE LAW

The parties Agree to comply with all applicable Federal, State and local laws and regulations which are either now in effect or are hereinafter enacted and, if necessary, to execute and deliver any amendment to the Agreement in order to meet any said new laws or regulations.

The terms and conditions of this Agreement shall be managed in accordance with statutes and regulations of the State of Maine.

XI. WAIVER

Any waiver by either party or default of rights under this Agreement shall not be deemed a waiver of any subsequent default or other matter.

XII. MODIFICATIONS

Any modifications of this Agreement shall be in writing and signed by all parties.

XIII. INSURANCE

AVCOG will ensure that Operator has in place at all times the following insurance:

General Liability:	\$2,000,000 minimum
Pollution Liability:	\$5,000,000 minimum
Workmen's Compensation:	Statutory
Vehicle Liability:	\$500,000 minimum
Hazardous Waste Trans Liability (MCS-90):	\$1,000,000

This agreement contains the entire agreement between parties with respect to the subject matter hereof and there are no agreements, covenants, promises or undertakings, expressed or implied, with respect to the subject matter hereof, which do not appear upon the face hereof.

AVCOG

By: _____
Executive Director

Print Name

Date

City of Lewiston

By: _____
City Manager

Print Name

Date

RIDER A

1. Only household hazardous waste (HHW) will be accepted at the FACILITY (as defined). **NO COMMERCIAL HAZARDOUS WASTE SHALL BE ACCEPTED.**

2. The Environmental Depot Advisory Group shall meet annually in late October or early November to review the Rules and Regulations and set a schedule for satellite collections and Environmental Depot operation dates for the following year. These meetings will be scheduled and moderated by the Owner.
3. The Host Community and Member Municipalities shall be required to notify the Owner by February 15 of their willingness to participate in the HHW Disposal program for the upcoming year based on the pricing, satellite dates/location, and Environmental Depot Days of operation that the Environmental Advisory Group has determined.
4. Unit pricing shall be reviewed and set annually by the Environmental Depot Advisory Group.
5. Anyone bringing HHW to the Environmental Depot must provide proof of residency or proof of where the HHW was generated. (Tax bill, electric bill, auto registration.)
6. All participating municipalities must budget to cover costs for disposing of HHW brought to the Facility by their residents and their share of orphan waste (as described). See also Section II.C.
7. Residents from non-participating communities shall be required to pay with cash or check.
8. Invoicing for HHW disposal will be done by AVCOG on a monthly basis.
9. AVCOG will notify participating municipalities when they are reaching their budget maximum.
10. Any invoice discrepancies will be addressed immediately after being brought to the Owner's attention and resolved by the municipality representative, Depot Owner and the Depot Operator. After careful consideration of the facts and discussion with the participants, the final decision will be determined by the Depot Owner and the Lewiston Public Works Director.
11. Should there be multiple discrepancies from a single municipality, the Owner may request the municipality provide a representative at future Environmental Depot days to confirm residency of those bringing HHW to the Environmental Depot.
12. AVCOG will provide the Environmental Depot Operator with a list of participating communities prior to the first Satellite and Depot day each year.

2019 Unit Pricing and Participating Communities

Environmental Depot Dates

Saturday May 18	8:00AM -11:45AM
Saturday June 15	8:00AM -11:45AM
Saturday July 20	8:00AM -11:45AM
Saturday August 17	8:00AM -11:45AM
Saturday September 21	8:00AM -11:45AM
Saturday October 19	8:00AM -11:45AM

Unit pricing

Participating Communities—\$30.00/unit

Non-Participating Communities that budget for HHW disposal—\$35.00/unit

Residents from communities who do not provide AVCOG with a budget for HHW disposal will be required to pay by cash or check at the Environmental Depot and the unit price will be \$35.00.

Participating Communities \$30.00/unit:

As of April 22, 2019:

Auburn; Andover; Bethel; Buckfield/Sumner; Byron; Carrabassett Valley; Dixfield; Farmington; Gilead; Greene; Greenwood; Jay; Kingfield which includes (Bigelow Township, Carrying Place Township, Dead River Township, Flagstaff Township, Freeman Township, Lexington Township, New Portland, Pierce Pond Township, Salem Township, and West Freeman Township); Leeds; Livermore Falls; Mechanic Falls; Mexico; Minot; Otisfield; Peru; Rangeley; Roxbury; Rumford; Weld; West Paris; Wilton; and Woodstock.

Non-participating communities with a budget for HHW disposal at the Environmental Depot will be billed at \$35.00/unit:

Hartford
Sabattus

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT: Order, Authorizing the Library Director to Execute a Memorandum of Understanding with the Maine State Library and Maine InfoNet Regarding the Maine Reciprocal Borrowing Pilot.

INFORMATION:

This order would authorize the Lewiston Public Library to participate in an initiative of the Maine State Library to allow, for a one-year period, libraries that opt into this program to allow library cardholders from other participating libraries to use their home library cards to borrow materials from other libraries that have opted in to the program. This would function similarly to our existing reciprocal borrowing program with the Auburn Public Library, and Auburn has chosen to opt into this program as well.

The initial commitment is for a one-year period, during which statistics will be collected and analyzed to evaluate the program.

While there is no direct cost to the City for participation, it will have a minor impact on non-resident card revenue. At the current time, we have 38 active non-resident cards, and this program resulted in \$2,168 in revenue during the last full fiscal year. Of these, only 8 are from communities that have libraries that could potentially enter the program. If the 4 communities with a library all participate in the program, our revenue loss would be \$480. Note that if we participate, our residents will also be able to borrow from opt-in libraries.

The Library Director and Library Board recommend that we agree to join this effort. See the additional information from Marcela Peres, attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To approve the Order, Authorizing the Library Director to Execute a Memorandum of Understanding with the Maine State Library and Maine InfoNet Regarding the Maine Reciprocal Borrowing Pilot.



COUNCIL ORDER

Order, Authorizing the Library Director to Execute a Memorandum of Understanding with the Maine State Library and Maine InfoNet Regarding the Maine Reciprocal Borrowing Pilot.

Whereas, the Maine State Library is initiating a pilot program that will allow cardholders from participating Libraries to enjoy reciprocal borrowing privileges; and

Whereas, the Lewiston Public Library currently has such a reciprocal borrowing arrangement with the City of Auburn; and

Whereas, while participation in this program will have a minor effect on library non-resident card revenue, it will provide a convenience to library users who wish to access materials from other libraries without the necessity of utilizing the inter-library loan process; and

Whereas, the Library Director and the Library Board recommend that the Lewiston Public Library agree to participate in this program;

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

The Library Director is hereby authorized to execute a Memorandum of Understanding with the Maine State Library and Maine InfoNet regarding the Maine Reciprocal Borrowing Pilot in a form substantially as attached hereto.

Memorandum of Understanding for the Maine Reciprocal Borrowing Pilot

The _____ library agrees to extend borrowing privileges to any individual cardholder [also called user or borrower], in good standing, from any other library that has opted to participate in the Maine Reciprocal Borrowing Pilot.

Library Participation Requirements:

Libraries that choose to participate in the Maine Reciprocal Borrowing Pilot must belong to one of the Maine InfoNet supported systems that operate using the Sierra ILS. These libraries' materials are shown in MaineCat and consist of MILS, Minerva, URSUS; the ARRC libraries of Portland Public Library (PPL), Bangor Public Library (BPL) and the Maine State Library (MSL); Colby-Bates-Bowdoin (CBB), and the University of New England (UNE).

Borrower Participation Requirements:

To borrow from any Participating Library, the borrower shall present a library card issued by a Participating Library where the borrower is in good standing.

Loan Rules:

For same-system transactions, intra-system rules will apply. (Minerva to Minerva lending is an example of a 'same-system' transaction.)

For cross-system transactions (e.g. Minerva to URSUS lending), the "MaineCat" loan rules will apply. This means that items would either go out for four weeks with a two-week renewal or go out for one week with a one-week renewal.

The biggest difference is how the due dates appear in the owning library system. If it is cross-system, the owning library sees the 56-day checkout, and the borrowing patron/system sees the current checkout period (4 weeks) with one renewal possible if no holds are placed. If it is within the same system, the item-owning and patron home libraries will be more in accord and show the same dates and terms.

To reduce confusion, users will request and pick up interlibrary loan materials through their home library. This does not apply to URSUS library "intra-system" holds.

Users may return materials to any Participating Library. Participating Libraries will check in materials using standard protocols and return or forward the items through the existing van delivery service. Please refer to the *FAQ* document, included with this MOU, for information regarding specific procedures.

Financial Assistance for Participating:

This Memorandum of Understanding is made in the spirit of interlibrary cooperation and participating members shall **expect no compensation for participating**. Participation is entirely "opt-in" and this effort represents a one-year pilot to understand the dynamic of expanded reciprocal "walk-in" borrowing.

This pilot will require statistical data-gathering to best understand the impact to net-lenders or libraries providing increased and disproportionate service. This data will inform how we might be able to provide financial assistance (i.e. Direct State Aid if available) to such libraries in the future, should libraries agree to participate on a permanent basis.

Fees / Fines / Collection for Lost Materials:

All fees, fines, or collection efforts for late, lost, or damaged materials is handled the same way as the rules and parameters established through the normal ILL delivery process.

Duration:

For the purposes of this project's pilot year, libraries must opt-in for participation by September 1, 2019, and may begin to register (opt-in) starting June 1, 2019, and will agree to participate for the 12-month duration of the pilot, which will end August 31, 2020. Upon completion of the pilot year, a Participating Library may withdraw from participation upon 30-days' prior written notice to Maine InfoNet.

AGREED TO –

Participating Library Name:

Approved by:

Date:

Maine State Library

Approved by:

Date:

Maine InfoNet

Approved by:

Date:



Marcela Peres
Library Director
200 Lisbon St. Lewiston, ME 04240
207-513-3119 • LPLonline.org
mperes@lewistonmaine.gov

To: City Council and Mayor
From: Marcela Peres, Library Director
Date: July 8, 2019
Re: Maine Reciprocal Borrowing Program pilot initiative

The Library is requesting that the City Council approve participation in the Maine Reciprocal Borrowing Program (MRBP) pilot initiative, to run from September 1, 2019 – August 31, 2020.

This project is an initiative put forth by the Maine State Library following conversations aimed at improving access to resources and information for Mainers, initiated by the Maine Library Association, Maine InfoNet, and the Maine Library Commission.

For a one-year period, libraries that opt-in to this program will allow library cardholders from other participating libraries to check out items in person at their locations, using their home library cards. This is a service of convenience. Currently, Lewiston cardholders are able to request materials from other libraries through inter-library loan (ILL), and Lewiston items are also sent out statewide. In simplest terms, this program would allow for an "in-person ILL," eliminating the multi-day wait period when more convenient for a user. This would function almost identically to the reciprocal borrowing arrangement currently in place between LPL and the Auburn Public Library, except that users would retain their home library cards. The APL has chosen to opt in to this program.

The pilot program requires a one-year commitment, during which statistics will be collected and analyzed to determine the efficacy of the program and future directions.

Participation in MRBP is only open to libraries currently using the same integrated library system, the software that allows libraries to view the holdings of other collections for request during interlibrary loan. As a result, the technology infrastructure is already in place.

There is no direct cost to opt-in. Impacts to the City will be primarily in lost non-resident card revenue, which has been declining in recent years (see Page 2). Currently, LPL offers the option for non-residents to purchase a library card, giving them the in-person access to library materials proposed here. However, reciprocal borrowing would only be available to users with library cards at other eligible participating libraries. This means that residents of Maine municipalities that do not have eligible participating libraries would still need to purchase a non-resident card in order to check out LPL items in person. An analysis of current non-resident cardholders showed that the majority of current LPL non-resident cardholders would still need to pay to renew their cards, assuming that all the municipalities with eligible libraries would choose to opt-in.



Marcela Peres
Library Director
 200 Lisbon St. Lewiston, ME 04240
 207-513-3119 • LPLonline.org
 mperes@lewistonmaine.gov

Library Non-Resident Fees FY2015 - FY2019

2015	3,080.39
2016	3,442.15
2017	2,754.44
2018	2,639.17
2019	2,168.40

Currently-Active Non-Resident Cards (38)

Municipalities with eligible libraries	Number of cardholders (8)
• Lisbon	4
• Livermore Falls	2
• Monmouth	1
• Poland	1

Municipalities without eligible libraries	Number of cardholders (30)
• Bowdoin	1
• Durham	1
• Farmingdale	1
• Greene	5
• Hebron	1
• Leeds	2
• New Gloucester	1
• Pownal	1
• Sabattus	8
• Turner	6
• Wales	3

Currently, there are 38 active non-resident cards up for renewal during FY20. Of these, 8 are from municipalities that have libraries eligible to participate in MRBP, comprising 4 libraries.

A 1-year non-resident card is \$60, though users can elect to purchase a card for a shorter timespan (e.g. \$15 for 3 months). Should all 4 eligible libraries participate, this would represent a \$480 loss to the City in renewal income, assuming all 8 cards would have been renewed at the 1-year rate. This does not account for any new non-resident cards from eligible municipalities.

Conversely, 30 cards up for renewal would not be affected by this pilot program. If all 30 are renewed at the \$60 level, the city will still earn \$1800 in non-resident card income, not accounting for new non-resident cards.

The list above only represents active cards, so the following page presents a 4-year historical retrospective of non-resident card hometowns and their eligibility under this program. In sum, this program would cause minimal impact on the City budget for FY20 in order to introduce a new service that would benefit Lewiston library cardholders by giving them faster, in-person access to materials at other participating libraries around Maine.



Marcela Peres
Library Director
200 Lisbon St. Lewiston, ME 04240
207-513-3119 • LPLonline.org
mperes@lewistonmaine.gov

Non-Resident Cards Purchased from 2016-2019 (135 total)

Municipalities with eligible libraries	Number of cardholders (41)
• Bangor	1
• Brunswick	1
• Farmington	1
• Falmouth	1
• Gardiner	1
• Gray	1
• Lisbon	15
• Livermore Falls	4
• Monmouth	4
• North Yarmouth	1
• Poland	5
• Portland	2
• Rumford	1
• Topsham	3

Municipalities without eligible libraries	Number of cardholders (94)
• Bowdoin	2
• Durham	2
• Farmingdale	1
• Georgetown	1
• Greene	14
• Hartford	2
• Hebron	2
• Jay	1
• Leeds	6
• Litchfield	2
• Manchester	1
• Mechanic Falls	4
• New Gloucester	2
• Oxford	1
• Pownal	1
• Sabattus	23
• Springvale	1
• Sumner	1
• Turner	13
• Wales	6
• Winthrop	1
• Whitefield	1
• Out of state	6

Specific to the Maine Reciprocal Borrowing Program

Why should your library want to participate in this program?

- If your library belongs to the consortium, it is already participating in a reciprocal borrowing program via interlibrary loan (ILL) arrangements. Lending statistics already show that cross-consortia lending/borrowing is taking place. (Example: URSUS libraries lend materials to Minerva libraries and vice-versa. This "cross-lending" via ILL is happening across all Innovative, Sierra libraries.) In simple terms, Reciprocal Borrowing, as far as Sierra is concerned, is nothing more complex than in-person ILL.
- This is a service of convenience to offer your patrons. In today's service industry, creating more seamless, efficient, and commonsense-based service experiences is imperative.
- This program embodies the spirit of resource sharing, which is cost-effective and at the core of what libraries are about. No single library has everything and even small libraries carry singular materials or can ease the burden of lengthy hold lists on popular materials.

How will this work at the circulation desk?

Checking out: We will write up step-by-step directions, but the short answer is that you will look up the patron's library on the registry to confirm their participation and what system they're part of. Then, if the patron is from a library within your local system, you'll check out just like normal. If they're from another MaineCat library, then you'll use the "Visiting Patron" function and check out that way.

Checking in: Check in just the same as any other item returned if they scan. If they don't scan, see the next FAQ.

How do we handle items returned to us that do not show up when we scan the barcode to check in?

If you have an item returned to your library that doesn't show any info when you scan the barcode, simply send it back to the owning library. You can identify the home library either by stamps, text on the barcode, or by looking up the unique barcode leader on the barcode registry: <https://www.maineinfonet.org/mainecat/maine-barcode-symbol-registry/>.

How do we know if a patron is in good standing at their home library? Or how do we make sure a delinquent patron doesn't walk in to borrow at another library?

The system recognizes and prevents checkouts from patrons who have expired accounts or patron blocks on their accounts. Within your system, it will show you the blocks the same as your own patrons. Through "visiting patron," it will give a message saying that the patron is unable to check out that item and to check with their home library (similar to the message you would get when requesting through MaineCat catalog).

What will transactions look like in our system?

Once the item is checked out, walk-in transactions will look exactly the same as if the item had gone through delivery to the patron. In fact, they are indistinguishable once the check-out has happened.

What are the loan rules for walk-in items?

Walk-in transactions use the same loan rules as items sent through delivery.

How are overdue notices/bills for the patron generated?

Since they're coming from the same loan rules, notices and bills are generated and sent to the patron the same as if they had been sent through delivery.

How are unreturned/lost items handled?

Charging for lost/unreturned items will be exactly the same as if the item was borrowed through delivery. In fact, walk-in billed items will be indistinguishable from items borrowed through delivery.

What about non-resident cards we charge for?

That's one of the things we will measure during the pilot with snapshots of the number of non-resident cardholders at participating libraries. We surveyed some libraries already in reciprocal agreements, and they did not see a drastic drop in non-resident cards, but it clearly depends on your local geography.

How will we know who is participating?

We will have a registry of participants listed online. After the pilot starts, the participating libraries will be set, so you don't need to worry about it fluctuating during the year.

What are the dates of the pilot?

- June 1, 2019: Registration opens
- June-Aug 2019: Informational meetings and instructional materials available
- Sept 1, 2019: Registration closes and pilot starts
- March 2020: 6-month check-in and analysis report
- Aug 31, 2020: Pilot finishes
- Sept 2020: Discussion, analysis, and recommendations

Additional FAQ Items as of May 17, 2019:

Q: Will reciprocal borrowing be made mandatory following the pilot?

A: No. Although we want there to be as broad adoption as possible, we recognize that there are reasons a library might not be able to or wish to participate.

Q: Who is responsible for paying for lost or damaged items?

A: When items are borrowed by a transaction between libraries that share a system (e.g. MILS, Minerva, CBB, etc.) the payment responsibility is dictated by the policies and practices of that system. When items are borrowed ACROSS systems (e.g. from CBB by a MILS patron), there is longstanding practice that the library of the borrowing patron is responsible for paying to the owning library any invoices sent for lost/stolen/damaged items. See: <https://www.maineinfolnet.org/mainecat/about/> for listing of allowable expense

Subsequently, at the May 17, 2019 URSUS Directors Meeting, the directors unanimously approved the following: "URSUS libraries understand and take the responsibility that if any items borrowed by URSUS patrons across systems are lost, stolen, or damaged, URSUS libraries will pay the owning library the replacement value and standard fees when invoiced."

Q: Is there a policy on when invoices need to be sent to a patron's library for items that are lost/stolen/damaged?

A: When items are borrowed by a transaction between libraries that share a system (e.g. MILS, Minerva, CBB, etc.) the invoicing timeline is dictated by the policies and practices of that system. When items are borrowed ACROSS systems, there is no written policy dictating timeline for submitting invoices. However, in order to be successful and fair, timeliness of billing is essential. At a minimum bills should be sent within 1 month of an item being marked as 'billed' in the system. More frequently is definitely preferred.

Q: If we're using "visiting patron checkout" how do we know what the "real" due date is to tell the patron?
A: This is being worked on. Checking their own patron account at their home system should show the due date, but we acknowledge that being able to share the patron due date at the time of check-out is paramount.

Q: Will there be a specific time when libraries need to opt in or out of the pilot?
A: The pilot is opt-in, so no need to opt out. Libraries must opt-in before the September 1 start date. Earlier registration is preferred, and the initial guidance provided to libraries is to Opt-In by June 15 so marketing materials can begin to be developed.

Q: What if we prefer to have certain items not available for walk-in borrowing?
A: During the pilot, any items that are available for requesting will have to be made available for walk-in borrowing (i.e. if the item is available in MaineCAT through normal ILL borrowing then the item would be available for walk-in borrowing, and conversely, if the item is not available in MaineCAT through normal ILL borrowing, then the item would not be available for walk-in borrowing).

Q: How can we publicize our participation?
A: A list of participating libraries will be made available on the MSL website. Small stickers will be provided to participating libraries that can be added to a patron's library card. We are investigating other options, such as stickers, posters, etc. Participating libraries are encouraged to use their own usual publicity channels to promote this to their patrons.

Q: Will fines follow the patron's home library rules or the loaning library rules?
A: Fines will be determined the same way they are now when items are borrowed through request and delivery. This follows the patron's home-library and system settings.

Q: Does checkin create a transit slip?
A: Checkin of items will create a transit slip if checked in at a library other than the item-owning library, as long as the library is part of a system that is shared with either the item's or patron's library. If it is checked in at a third-party location (e.g. An URSUS item checked out by a Minerva patron is returned to a MILS library) no slip will be created and the item should be returned to the owning library.

Q: Stats - how do we get walk-in borrowing stats?
A: Worksheets are being developed that will aid libraries in getting counts of both cross-system walk-in borrowing and same-system borrowing.

Data Gathering and Analysis

We have a working group to collect and disseminate statistics relating to the pilot. Among other things, they will qualitatively track circulation, patterns between libraries, participation, impact on non-resident cards, and collect qualitative responses from patron participants and library staff.

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT: Resolve, Approving an Extension to the Agreement with 188 Lincoln Street, LLC for the Purchase and Sale of Real Estate at 188 Lincoln Street.

INFORMATION: In October of 2017, the City Council approved the sale of 188 Lincoln Street to LWS Development LLC and Wilbur & Company. The developers planned to redevelop the building with a sit down restaurant at street level with two market rate apartments on the second floor. The sale agreement has been extended multiple times as the project has come together to allow the developer time to qualify for historic tax credits, securing Portland Pie as a tenant, and lining up financing.

Approximately two weeks ago the City received notice that the investor who had been lined up for more than a year to purchase the federal historic tax credits had decided not to go forward with the acquisition of the credits.

The Purchase and Sale agreement required closing on or before June 28, 2019. The developer has requested an extension of the Purchase and Sale Agreement to allow time to find a new investor.

The City Council is asked to approve the seventh extension of the Purchase and Sale Agreement for 188 Lincoln Street and to authorize the City Administrator to execute the same as well as execute other documents associated with the closing. The extension would be to September 13, 2019.

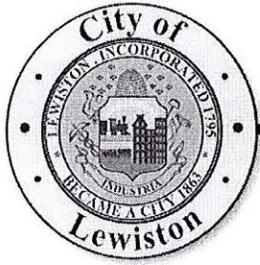
APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Approving an Extension to the Agreement with 188 Lincoln Street, LLC for the Purchase and Sale of Real Estate at 188 Lincoln Street.



COUNCIL RESOLVE

RESOLVE, Approving an Extension to the Agreement with 188 Lincoln Street, LLC for the Purchase and Sale of Real Estate at 188 Lincoln Street.

Whereas, on October 3, 2017, the City Council authorized the City Administrator to execute a Purchase and Sale Agreement with LWS Development for the former Lincoln Street fire station located at 188 Lincoln Street; and

Whereas, the Agreement has previously been extended six times to provide time to get the research and paperwork completed to make the property eligible for listing on the National Register of Historic Places, secure Portland Pie as the restaurant tenant, and to secure project financing; and

Whereas, the Agreement to purchase the property expired on June 28, 2019; and

Whereas, equity generated by the sale of federal and state historic tax credits comprises a significant but challenging source of financing for the project ; and

Whereas, the federal tax credit investor secured for 188 Lincoln Street chose to not go forward with this investment; and

Whereas, the developer is actively seeking a new historic tax credit investor and has requested an extension of the agreement in order to secure a replacement tax credit investor

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

The City of Lewiston approves the *Seventh Amendment to the Agreement for the Purchase and Sale of Real Estate* which will extend the right of 188 Lincoln Street, LLC to acquire 188 Lincoln Street under the terms of the October 3, 2017 Purchase and Sale Agreement, as amended, until September 13, 2019; and to authorize the City Administrator to sign the extension and to sign all documents and take all actions necessary to complete the sale of 188 Lincoln Street as described in the Purchase and Sale Agreement.

**SEVENTH AMENDMENT TO AGREEMENT FOR
THE PURCHASE AND SALE OF REAL ESTATE**

The City of Lewiston, Maine (“Seller”) and LWS Development LLC and Wilbur & Company (hereinafter collectively referred to as “Buyer”) are parties to an Agreement for the Purchase and Sale of Real Estate dated as of October 17, 2017 (the “Agreement”), which was amended and executed by mutual agreement on January 18, 2018, May 28, 2018, August 20, 2018, October 18, 2018, November 20, 2018 and on January 22, 2019; pursuant to which Seller agrees to sell and Buyer agrees to buy a parcel of land, with buildings thereon, located at 188 Lincoln Street, Lewiston, Maine. The Lewiston City Council approved at their June 18, 2019 meeting the assignment of the Agreement from LWS Development LLC and Wilbur & Company to 188 Lincoln Street, LLC.

Seller and Buyer, for good and valuable consideration, exchange of which is mutually acknowledged, have agreed to amend the Agreement as set forth below:

1. The closing shall take place at Buyer’s discretion on or before September 13, 2019.
2. Buyer shall take title at the Closing and shall assume all of the responsibilities of owner of the Premises as of that date.
3. Notwithstanding the foregoing, Buyer shall nevertheless provide to the Seller the items set forth in Section 10(b) of the Agreement on or before September 13, 2019..
4. Upon written request, and subject to the approval of the governing legislative body of Seller, the Seller may agree at its option to extend the deadline beyond June 28, 2019.
5. Except as specifically set forth in this Amendment, all other terms of the Agreement shall remain in full force and effect. In the event of any conflict between this Amendment and the Agreement, the terms of this Amendment shall govern.

WITNESS:

SELLER
CITY OF LEWISTON

_____ Date: _____
By Edward A. Barrett
Its: City Administrator

BUYER
188 Lincoln Street, LLC

_____ Date: _____
By: Kara Wilbur
Its:

Economic and Community Development

Lincoln Jeffers
Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Extension of 188 Lincoln Street Option
Date: July 11, 2019

In October of 2017, the City Council approved the sale of 188 Lincoln Street to LWS Development LLC and Wilbur & Company. The developers planned to redevelop the building with a sit down restaurant at street level with two market rate apartments on the second floor. The sale agreement has been extended multiple times as the project has come together, including becoming eligible for historic tax credits, securing Portland Pie as a tenant, and lining up financing. The City Council approved the assignment of the Purchase and Sale Agreement to 188 Lincoln Street, LLC at their June 18th meeting.

Approximately two weeks ago the City received notice that the investor who had been lined up for more than a year to purchase the federal historic tax credits had decided not to go forward with the acquisition of the credits. Equity raised by the sale of the credits is a significant part of the project. It is cash into the project that does not need to be repaid to the investor. The developer is actively working to secure a new tax credit investor.

The Purchase and Sale agreement required closing on or before June 28, 2019. The developer has requested an extension of the Purchase and Sale Agreement to allow time to find a new investor.

This project has taken significantly longer to come to fruition than was first anticipated when the City agreed to sell the property. This will be the 7th extension. Recognizing the length of time already given to the project, and that at some point, the project must move forward or other options need to be considered, staff recommends that the purchase agreement be extended until September 13th.

The City Council is asked to approve the seventh extension of the Purchase and Sale Agreement for 188 Lincoln Street and to authorize the City Administrator to execute the same as well as execute other documents associated with the closing as specified in the October 17, 2017 agreement.

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT: Resolve, Establishing an Ad Hoc Recycling and Waste Reduction Committee.

INFORMATION:

Councilor Beam has requested that the Council consider establishing an ad-hoc recycling committee with the goal of working to increase the City's current recycling rate. As the Council is aware, the state has established a goal of achieving a 50% rate of solid waste recycling and Lewiston's current rate falls considerably short of that level.

A draft of this resolve was reviewed at a June workshop. Since then, one change has been made. Where the scope of the committee was initially limited to recycling, it has been expanded to allow the committee to investigate and make recommendations on other steps the city might take to reduce the generation of solid waste and the amount of material landfilled or incinerated. This change recognizes the current uncertain state of recycling programs given market fluctuations and allows the exploration of other means to reduce the amount of solid waste going to incineration.

The Committee would be composed of seven residents with knowledge of or an interest in recycling. It would report to the City Council at least annually and forward recommendations with a budgetary impact prior to the end of the calendar year to ensure such recommendations are considered during the annual budget process. Staff support would be provided by Public Works. The Committee's term would expire on June 30, 2020, unless further extended by the City Council.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/krm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the Resolve, Establishing an Ad Hoc Recycling and Waste Reduction Committee.



COUNCIL RESOLVE

Resolve, Establishing an Ad-hoc Committee on Recycling and Waste Reduction

Be it resolved by the City Council of the City of Lewiston that

There is hereby established an Ad-hoc Recycling and Waste Reduction Committee.

Purpose:

The purpose of the Committee shall be to:

- Gather and review existing data and studies relating to Lewiston's current recycling program;
- Evaluate the effectiveness of the current program;
- Identify the barriers that negatively impact more widespread participation in the City's recycling efforts;
- Develop recommendations to increase the City's current recycling rate in an effort to meet the state goal of 50%, including proposals to address enhanced public information and education;
- Develop recommendations on other steps that the city might take to reduce the generation of solid waste and reduce the amount of material landfilled or incinerated;
- Develop estimates of the cost to implement those recommendations and proposals.

Composition and Appointment

The Committee shall be composed of a minimum of 7 voting members to be appointed by the Mayor from among the residents of the City who are knowledgeable or interested in recycling and/or other waste reduction programs. No more than one member shall be an elected municipal official.

Committee Chair

The Committee shall select a chair from among its members. Working through the city staff member who is responsible for providing support for the Committee, the Chair shall be responsible for coordinating a meeting schedule with the members, setting the meeting agenda, and ensuring that notice of meetings are publicly posted.

Reports

The Committee shall report periodically to the City Council on at least an annual basis. The Committee should take care to forward any recommendations requiring the expenditure of city funds no later than December 31st of each year so that these recommendations can be considered in concert with the City Council's consideration of the Public Works Department annual budget and the funding authorizations associated with the Capital Improvement Program.

Meetings

The Committee shall establish the times and places of its meetings. Meetings shall be open to the public and notice of such meetings shall be posted by the City Clerk. The Committee may invite such others as may be knowledgeable about subjects under discussion to provide information for its consideration.

Staff Support

The Director of Public Works or designee shall be responsible for providing staff support to the Committee.

Term.

The term of the Committee and all of its members shall expire on June 30, 2020. The City Council may extend this term for additional one-year periods. Upon extension, the Mayor shall appoint members to the Committee, which may include individuals who have previously served on the Committee.

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET: **AGENDA ITEM NO. 16**

SUBJECT:

Appointments to the Androscoggin County Budget Committee.

INFORMATION:

The Council is asked to select members of the Androscoggin County Budget Committee. Lewiston is located in County Districts 1, 2 and 3. All of Districts 1 and 2 are located within Lewiston. Part of District 3 is located in Lewiston

The County Commissioners have prepared ballots for each County District to elect the slate of candidates for the county budget committee. On each ballot, the Council may vote for two candidates. The Council is asked to determine which of the nominees they would like to cast a vote for one each of the three ballots.

State law requires that at least one municipal official be elected from each County District to serve on the Budget Committee.

For District 1, there are three candidates printed on the ballot. For District 2, there were no candidates who were nominated at the caucus. For District 3, there are two candidates.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The selection of the County Budget Committee members is a policy decision of the City Council.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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DISTRICT 1 BALLOT

To review the list of candidates to serve as the District 1 (Lewiston) representatives to the Androscoggin County Budget Committee and to determine which two candidates to cast a vote for on the county ballot.

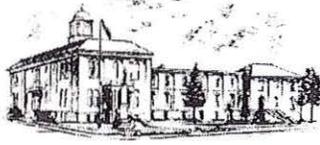
DISTRICT 2 BALLOT

To nominate at least one municipal official and at least one resident to serve as the District 2 (Lewiston) representatives to the Androscoggin County Budget Committee. To determine which candidates to cast a vote for on the county ballot.

DISTRICT 3 BALLOT

To review the list of candidates to serve as the District 3 (part of Lewiston) representatives to the Androscoggin County Budget Committee and to determine which two candidates to cast a vote for on the county ballot.

ANDROSCOGGIN COUNTY COMMISSION
DISTRICT 1
(Part of Lewiston)



ANDROSCOGGIN COUNTY BUDGET COMMITTEE
2020 / 2021 / 2022

OFFICIAL BALLOT

Municipal Officers shall vote, as a board, for two (2) Budget Committee members to serve on the Androscoggin County Budget Committee to represent District 1. The municipal officers must vote for at least one (1) candidate who is a municipal official. 30-A M.R.S.A. §722 defines municipal officials to mean “mayor, aldermen, councilors or manager of a city and the selectmen, councilors or manager of a town located in Androscoggin County.”

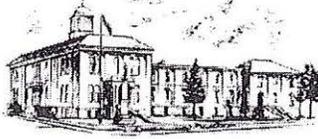
Mark the box with an X.

- Alicia Rea, Councilor
Lewiston
- Robert Reed, Resident
Lewiston
- Kiernan Majerus-Collins, Resident

VOTED AT MEETING OF _____, 2019

_____, Councilor

ANDROSCOGGIN COUNTY COMMISSION
DISTRICT 2
(Part of Lewiston)



ANDROSCOGGIN COUNTY BUDGET COMMITTEE
2020 / 2021 / 2022

OFFICIAL BALLOT

Municipal Officers shall vote, as a board, for two (2) Budget Committee members to serve on the Androscoggin County Budget Committee to represent District 1. The municipal officers must vote for at least one (1) candidate who is a municipal official. 30-A M.R.S.A. §722 defines municipal officials to mean “mayor, aldermen, councilors or manager of a city and the selectmen, councilors or manager of a town located in Androscoggin County.”

Mark the box with an X.

_____, Councilor

_____, Resident

VOTED AT MEETING OF _____, 2019

_____, Councilor

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT: Resolve, Appointing Bryon Bachelder as Sealer of Weights and Measures for the City of Lewiston.

INFORMATION: For many years prior to 2013, each municipality in Maine was required to appoint a sealer of weights and measures whose duty was to inspect and ensure that weighing and measuring devices used by stores and retailers were adjusted accurately. These inspectors came at no direct cost to the municipality because they were compensated by fees charged to the businesses. In 2013, the legislature eliminated the authority for municipalities to appoint such an official, with all of the duties falling to state employees. Unsurprisingly, this resulted in a dramatic reduction in the extent to which scales and pumps were checked for accuracy. Given this, the legislature reversed course in 2017, at which time it authorized, but did not require, municipalities to appoint a Sealer of Weights and Measures. See attached legislation.

Last year, a number of municipalities in our area were contacted by a retired state police officer, Bryan Bachelder, who has the necessary training and certification to perform these duties. Since then, the following municipalities have appointed him their sealer: Brunswick, Richmond, Topsham, and, most recently, Auburn.

At the present time and to the best of our knowledge, Mr. Bachelder is the only individual in the area qualified to perform these duties.

Given that the purpose of this position is to ensure that customers are treated fairly, that the state inspectors are unable to regularly inspect weighing and measuring devices, and that this work can be done at no cost to the City, we recommend this appointment.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/klm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Appointing Bryon Bachelder as Sealer of Weights and Measures for the City of Lewiston.



COUNCIL RESOLVE

Resolve, Appointing Bryon Bachelder as Sealer of Weights and Measures for the City of Lewiston.

Whereas, in 2013, the State Legislature eliminated the requirement that municipalities appoint a sealer of weights and measures, delegating all such work to state employees; and

Whereas, the number of state employees assigned to these duties is insufficient to inspect retail scales and pumps on a regular basis to ensure they are measuring product accurately; and

Whereas, in 2017, the Legislature amended the law to once again authorize, but not require, municipalities to appoint a sealer; and

Whereas, a number of municipalities in our area have appointed Byron Bachelder as their sealer of weights and measures; and

Whereas, at the present time, Mr. Bachelder is the only individual we are aware of who is certified to perform these duties for a municipality;

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

Bryan Bachelder is hereby appointed Sealer of Weights and Measures for the City of Lewiston and the City Clerk shall provide notice of this appointment to the State Sealer within ten days of the adoption of this Resolve.

Bryan Bachelder

August 28, 2018

P.O. Box 271

Readfield, Maine 04355

207 458 9388

Subject: Local Sealer

To whom it may concern,

I am a retired Maine State Trooper with a history of Weights and Measures. I would like to be the Local Sealer for your town/city. I have enclosed my qualifications from the National Conference on Weights and measures. This appointment/election to the position of Local Sealer is mandated by the state (see LD enclosure) and is of no cost to you. Consideration for this position is greatly appreciated.

Sincerely



Bryan Bachelder

Retired Maine State Trooper

Local Sealer

Enclosures:3

National Conference on Weights and Measures Professional Certification Program



Bryan Bachelder

HAS SUCCESSFULLY PASSED THE NATIONAL CERTIFICATION PROGRAM EXAMINATION
IN THE CATEGORY OF

Retail Motor Fuel Dispensing Systems

THIS PROFESSIONAL CERTIFICATION STANDARD PROVIDES ASSURANCE THAT
AN INDIVIDUAL HAS A WORKING KNOWLEDGE OF APPLICABLE PORTIONS OF THE CURRENT STANDARDS ADOPTED BY THE
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES AND OTHER RELEVANT NIST STANDARDS

BRETT GURNEY, CHAIRMAN
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

August 22, 2018

DATE OF CERTIFICATION

DON ONWILER, EXECUTIVE DIRECTOR
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

This certification will expire five years from the date of certification.

National Conference on Weights and Measures Professional Certification Program



Bryan Bachelder

HAS SUCCESSFULLY PASSED THE NATIONAL CERTIFICATION PROGRAM EXAMINATION
IN THE CATEGORY OF

Small Capacity Weighing Systems Class III

THIS PROFESSIONAL CERTIFICATION STANDARD PROVIDES ASSURANCE THAT
AN INDIVIDUAL HAS A WORKING KNOWLEDGE OF APPLICABLE PORTIONS OF THE CURRENT STANDARDS ADOPTED BY THE
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES AND OTHER RELEVANT NIST STANDARDS

A handwritten signature in cursive script, reading "Brett Gurney".

BRETT GURNEY, CHAIRMAN
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

August 26, 2018

DATE OF CERTIFICATION

A handwritten signature in cursive script, reading "Don Onwiler".

DON ONWILER, EXECUTIVE DIRECTOR
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

This certification will expire five years from the date of certification.

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND SEVENTEEN

H.P. 1086 - L.D. 1579

An Act To Amend and Add Consistency to the Maine Weights and Measures Law**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 10 MRSA c. 501, sub-c. 4-A is enacted to read:****SUBCHAPTER 4-A****LOCAL SEALERS****§2461. Election by municipal officers**

The municipal officers of a municipality may elect or appoint a sealer of weights and measures, and a deputy sealer if necessary, not necessarily a resident of that municipality, and the sealer and deputy sealer hold office during their efficiency and the faithful performance of their duties. The state sealer has final approval authority over a sealer or deputy sealer elected or appointed pursuant to this section. Prior to approval or assuming any duties, a sealer or deputy sealer elected or appointed pursuant to this section must successfully complete certification by the National Conference on Weights and Measures as a weights and measures professional in the National Conference on Weights and Measures professional certification program for the device types the sealer or deputy sealer wishes to seal. On complaint being made to the municipal officers of the inefficiency or neglect of duty of a sealer or deputy sealer, the municipal officers shall set a date for and give notice of a hearing to the complainant, the relevant sealer and the state sealer. If evidence satisfies the municipal officers that the sealer or deputy sealer has been inefficient or has neglected the sealer's or deputy sealer's duty, they may remove the sealer or deputy sealer from office and elect or appoint another in the sealer's or deputy sealer's stead. The state sealer has jurisdiction over a sealer or deputy sealer elected or appointed pursuant to this section, and any vacancy caused by death or resignation must be filled by election or appointment by the municipal officers within 30 days. Within 10 days after each such election or appointment, the clerk of each municipality shall communicate the name of the person so elected or appointed to the state sealer. A sealer

of weights and measures in any municipality may be sealer for several municipalities, if such is the pleasure of the municipal officers of those municipalities, as long as this action receives the approval of the state sealer. The state sealer or the state sealer's designee shall test and certify annually municipal weights and measures equipment used by a sealer or deputy sealer elected or appointed pursuant to this section.

§2462. Municipalities that do not choose a sealer

If the municipal officers do not elect or appoint a sealer or fail to make a return to the state sealer of the election or appointment within 30 days after the election or appointment in accordance with section 2461, the state sealer retains sole authority to enforce this chapter in that municipality and the concurrent authority provided under section 2411 does not apply in that municipality. Pursuant to section 2402, subsection 7, the state sealer may appoint a qualified person to carry out the state sealer's responsibilities in that municipality, and any person appointed under this section may serve in that capacity for more than one municipality.

§2463. Powers and duties

A weights and measures official elected or appointed for a municipality has the duties enumerated in section 2402, subsections 2 to 9 and the powers enumerated in section 2403. These powers and duties extend to the official's jurisdiction.

§2464. Records of weights and measures sealed; annual report

A sealer shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by that sealer, giving the name of the owner or agent, the place of business, the date of inspection and kind of apparatus inspected, sealed or condemned. The sealer shall make an annual report on July 1st for the 12 preceding months on forms prescribed by the state sealer and shall furnish such information as the state sealer may require.

Sec. 2. 10 MRSA §2632 is enacted to read:

§2632. Compliance testing of net contents on packaged goods

The specifications, tolerances and other technical requirements for compliance testing of the net contents of packaged goods as adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 133 (2016), "Checking the Net Contents of Packaged Goods," and supplements or revisions to this publication, apply to packaged goods in this State, except as modified or rejected by a regulation issued by the state sealer.

LEWISTON CITY COUNCIL

MEETING OF JULY 16, 2019

AGENDA INFORMATION SHEET: AGENDA ITEM NO. 18

SUBJECT:

Appointments to Citizen Boards and Committees.

INFORMATION:

LEWISTON AUBURN TRANSIT COMMITTEE

A position on the Lewiston Auburn Transit Committee (LATC) held by Lewiston resident Lucy Bisson expired on June 30, 2019. The Council is asked to re-appoint Lucy Bisson, 1026 Sabattus Street, to another three-year term with an expiration date of June 30, 2022. The LATC supports this appointment and Council confirmation is requested. LATC is working on a few projects and the continuity of membership is important to help with efficiency to keep the projects moving forward.

BOARD OF APPEALS

The Mayor is appointing William "Jim" Horn to serve as an Associate Member on the Board of Appeals. This is a five-year term but is filling an existing vacancy and the term will expire Jan. 9, 2024.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Appointments are the purview of the Mayor and City Council.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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COUNCIL VOTE NEEDED:

To appoint Lucy Bisson, 1026 Sabattus Street, as a member of the Lewiston Auburn Transit Committee for a three year term, said term to expire June 30, 2022.

NO ACTION NEEDED/INFORMATIONAL ONLY:

The Mayor is appointing William "Jim" Horn to serve as an Associate Member on the Board of Appeals. This is a five-year term but is filling an existing vacancy and the term will expire Jan. 9, 2024.