

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
OCTOBER 15, 2019**

6:00 p.m. Workshop

- A. Central Maine Medical Center Request to Designate No Smoking Areas – 5 minutes
- B. Passenger Rail Service Plan Report – 45 minutes

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag

Update from Lewiston Youth Advisory Council

Mayoral Proclamation – Small Business Saturday, November 30, 2019

Acceptance of the minutes of the September 3 & September 17, 2019 meetings.

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 5.

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

- * 1. Adoption of meeting schedule for the month of November.
- * 2. Approval of Election Warrant Calling for the Municipal Election to be held on Tuesday, November 5, 2019; Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Municipal and State Election, November 5, 2019; and Authorization to hold a Mayoral Run-Off Election on Tuesday, December 10, 2019, if necessary.
- * 3. Amendment to the Traffic Schedule to designate one handicapped parking space on Pine Street.
- * 4. Resolve, Amending Master Policy 81 – Miscellaneous Fees and Penalties – to Establish Penalties for Violations of the Rental Registration Ordinance.
- * 5. Resolve, Amending Master Policy 81 – Miscellaneous Fees and Penalties – to Establish Penalties for Violating Section 54-10 of the Code of Ordinances – Smoking in Public Parks, Playgrounds, or Recreational Facilities.
- * 6. Authorization to accept transfer of forfeiture funds.

REGULAR BUSINESS:

- 7. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Pedro O'Hara's, 134 Main Street.
- 8. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Midtown Athletic Club, 45 Walnut Street.
- 9. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for LBK Events, 1 Bates Street.

10. Ordinance, Amending Section 50-19 of the Code of Ordinances – Offenses and Miscellaneous Provisions – Prohibiting the Use of Tobacco Products in Designated Areas – Lisbon Street, Adams Avenue to Main Street, both Sides.
11. Public Hearing and First Passage regarding an amendment to the Traffic and Vehicles ordinance to establish a Student Drop-Off and Pick-Up Zone designation.
12. Public Hearing and First Passage regarding amendment to the Business Licensing ordinance regarding Adult Use and Medical Marijuana.
13. Public Hearing and First Passage regarding an amendment to the Zoning and Land Use Code regarding Adult Use and Medical Marijuana.
14. Public Hearing and First Passage for Land Use Code Amendments regarding Nursery Schools in additional zoning districts.
15. Condemnation Hearing for the building located at 135-137 Oxford Street.
16. Resolve, Amending Master Policy 23, Personnel Procedures.
17. Order, Authorizing Staff to Take Steps to Dispose of the Martel School and Associate Property.
18. Order, Authorizing the City Administrator to Enter into an Agreement to Convey to LA Community Housing the Properties Located at 91 Pine St., 111 Bartlett St., 114 Bartlett St., and 320 Bates St.
19. Order, Authorizing the Use of \$19,000 from FY2019 Salary Reserve Account to Fund the Fire Department Management Study to Include the Emergency Medical Services Alternate.
20. Appointment of members to the Housing Committee.
21. Reports and Updates
22. Any other City Business Councilors or others may have relating to Lewiston City Government.
23. Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter regarding the annual evaluation of the City Administrator.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, October 15, 2019
6:00 PM

1. Central Maine Medical Center Request to Designate No Smoking Areas – 5 minutes

CMMC has requested that the City Council designate certain areas of the right-of-way as no smoking areas, similar to what the City previously has done for St. Mary's Hospital. See the attached letter from CMMC and a map showing the rights of way to be covered. This session is intended to review this request to determine if the Council would support such action.

2. Passenger Rail Service Plan Report – 45 minutes

Several years ago, the legislature and the Cities of Auburn and Lewiston provided funding for a Passenger Rail Service Plan study to evaluate extending passenger rail service to Lewiston/Auburn. Phase one of that study, which developed passenger projections, was completed some time ago. Phase two was intended to examine the kind of service that should be provided and the cost to build and operate the service. That phase has recently been completed and a final report has been issued, including a series of preferred alignments for passenger rail service for further consideration, capital and operating costs, and recommended next steps, including preparing an economic evaluation. The report is available at <https://www.nnepra.com/projects/lewistonauburn-passenger-rail-service-plan>. Linc Jeffers, one of the City's designated representatives to the study committee, will present a summary of the report (see attached presentation). The Maine Rail Transit Coalition has also been observing this study and this process and has some concerns regarding the report and the next steps that should be taken. Tony Donovan, representing that group, has spoken with the Mayor and several Councilors and has prepared a separate proposal on how to proceed, a copy of which is attached. At the request of Councilor Lysen, he has been invited to participate in this workshop. The goal of this workshop is to determine the next steps the City should pursue toward the goal of retaining passenger rail service to LA.

IMMEDIATELY FOLLOWING THE REGULAR SESSION

3. Executive Session – Personnel Issue – Evaluation of the City Administrator



Date: October 1, 2019

To: Honorable Mayor and Members of the City Council

From: Central Maine Healthcare

RE: Prohibiting tobacco use on public rights of way surrounding hospital properties

Central Maine Healthcare (CMH) intends to promote and maintain a safe healthcare environment for all patients, employees, volunteers, and visitors. CMH recognizes that:

- a) Tobacco use, smoking and environmental tobacco smoke pose serious health and safety risks and undermine medical treatment.
- b) Tobacco-free policies aid in community, employee, and patient tobacco cessation efforts.

Therefore, all CMH campuses are 100% tobacco-free. Prohibiting all tobacco use, including vaping and e-cigarette use, on public rights of way surrounding Central Maine Medical Center (CMMC) properties would further support CMMC's effort to maintain a safe and healthy environment free from the harmful effects of secondhand smoke. The following public rights of way border or pass directly through CMMC properties:

- 1. High Street, both sides
- 2. Hammond Street, both sides
- 3. Main Street from Hammond Street to High Street, on the hospital side
- 4. Lowell Street from Middle Street to Bates Street, both sides
- 5. Middle Street from Lowell Street to Main Street, on the MCHP side
- 6. Bates Street from Lowell Street to Oak Street, Trolley building side
- 7. Sidewalks in front of 287 Main Street, on Main and Sabattus Streets

Therefore, CMH would like to propose that these public rights of way prohibit tobacco use, including vaping and e-cigarette use, to protect all patients, employees, volunteers, and visitors on campus.

Thank you for your consideration,

Dr. David Tupponce

President, Central Maine Medical Center

Proposed No Smoking Sidewalks by CMMC October 1, 2019



Legend:
Proposed Sidewalk-No Smoking


FEASIBILITY STUDY PROPOSAL

Portland to Lewiston Conceptual Rail Transit Study

Prepared for

The Cities of Lewiston and Auburn Maine
& Maine State Legislature

Prepared By

MRTC
Train Time

Proposal
September 2019



Executive Summary

The Northern New England Passenger rail authority, NNEPRA, recently completed a new evaluation for restoring passenger train service to Lewiston, Maine. Since 2011 the state has invested almost two million dollars in this effort.

The intent of this legislative directed study was to provide information to Federal, state, regional and local planners for a service development plan for restoration of passenger train service to Lewiston/Auburn. The report was expected to encompass previous studies, and to evaluate ridership, routes and costs. The final report, issued in August 2019¹, did not meet the expectations of the original authors and advocates of the legislative act. But the report, along with the previous reports, provides all the data needed to implement the service.

There is now a need to review the multiple studies: the Jacobs engineering reports from 2011, the previous HNTB studies (2005) and various Maine Turnpike Authority and regional MPO reports related to this corridor to provide meaningful information to all parties so the actions required for securing funds and implementing the service may be made in an objective and meaningful manner.

A Maine-based public-private initiative is moving forward to formalize consultant data for the use of the Maine-owned St. Lawrence & Atlantic Railroad to connect Maine's two largest metro centers, and the six corridor towns in between. This system, operating hybrid electric DMU railcars, as per plans set forth by the State of Maine, was originally proposed and evaluated in consultant studies dating from 2004. We have all the data, the railway exists, and a majority of the corridor is owned by the State of Maine.

In this proposed plan, the City of Lewiston, with its neighbor Auburn is engaging the services of the Maine Rail Transit Coalition (MRTC) to identify appropriate financial sources in order to apply for Federal Transit funding to initiate the commuter-passenger train service

The project is shovel-ready, the only element missing is political will. Hence, a grassroots coalition of transportation professionals, realtors versed in Transit Oriented Development (TOD), legislators, municipal planners, economic developers and public relations firms, with support from national railway and environmental interests will proceed in the development of the system. The assumption is that the state DOT will follow this lead.

The outcome will be a viable alternative to dependence on automobiles, jobs, better housing, access to medical, education, healthcare and other services.

¹ Lewiston-Auburn Passenger Rail Service Plan. Prepared by VHB & WSP; in association with NNEPRA, MeDOT, Lewiston and Auburn Maine. May 2019.

Introduction

The State of Maine legislature, in partnership with the Maine cities of Lewiston and Auburn, funded, and directed the State Department of Transportation (MeDOT) to perform an evaluation of new rail service between Portland and Lewiston/Auburn². The purpose of the study was to provide Federal, state, regional and local planners a development plan for restoration of passenger train service to Lewiston/Auburn. The report was expected to encompass previous studies, and to evaluate ridership, routes and costs. However, the final report, issued in August 2019³, did not meet the expectations of the authors and advocates of the legislative act.

The State of Maine has acquired railroad corridors over the past few decades in a far-sighted effort to preserve them for the eventual restoration of passenger train services throughout the region. The August 2019 report⁴, includes a recommendation to eliminate the option of a State-owned railroad corridor serving downtown Portland, north to Auburn. This corridor has been identified in all previous studies as a viable and necessary corridor for passenger train service in the future.

In contrast to the August 2019 report, the Maine Rail Transit Coalition (MRTC), the professional land-use, transportation and economic development planners who advocate for restoration of the corridor, have concluded that that the accumulated reports of the use of the State of Maine-owned St. Lawrence and Atlantic Railroad (SLR) support immediate investment in this critical transportation asset. By any practical estimation, current issues due to development-induced congestion, climate change, car ownership costs, and the comparative costs of asphalt roads to a multi-modal system using trains, make the VHB findings questionable.

As a result of this aberration, past VHB studies, the Jacobs engineering reports from 2011, the previous HNTB studies and various turnpike and PACTS reports related to this corridor must be reviewed objectively and compiled to provide objective, summarized information so that action can be taken to secure federal funds for the service without permanently losing a window of opportunity for Lewiston-Auburn.

In the recently concluded State of Maine Northern New England Passenger Rail Authority (NNEPRA) feasibility proposal to connect downtown Westbrook and Commercial Street in Portland⁵, specific train station sites were identified. The Lewiston-Auburn VHB study did not

² In 2015, the 127th Maine Legislature, in PL 2015, c. 267, Pt. YY, approved a \$500,000 fund allocation and directed the Department of Transportation (MaineDOT), in consultation with the cities of Lewiston and Auburn and Northern New England Passenger Rail Authority (NNEPRA), to conduct a study and complete a plan for the implementation of passenger rail service between the cities of Lewiston and Auburn and the Amtrak Downeaster service. The municipalities of Lewiston and Auburn contributed \$50,000 toward the project cost.

³ Lewiston-Auburn Passenger Rail Service Plan. Prepared by VHB & WSP; in association with NNEPRA, MeDOT, Lewiston and Auburn Maine. May 2019.

⁴ Lewiston-Auburn Passenger Rail Service Plan. Prepared by VHB & WSP; in association with NNEPRA, MeDOT, Lewiston and Auburn Maine. May 2019.

⁵ Westbrook to Portland Conceptual Rail Transit Study. Prepared for NNEPRA. Prepared by VHB June 28, 2019

propose station location, thereby missing the critical opportunity to make projections on ridership and economic impacts relative to the locations. The MRTC proposes the following specific to connecting downtown Portland to Lewiston on the SLR at the terminus on India Street, to downtown Lewiston at the former Bates Street station on the PanAm (PAR) freight main line (FML).

1. For the purpose of projecting ridership, for meeting National Environmental Policy Act (NEPA) requirements and to evaluate local economic impacts, station location identification is required. Each community on the corridor should be engaged in last-mile and land-use plans for the station sites. The MRTC has identified the following locations for stations:

1. Proposed Station Locations

- Portland Oceangate Terminal at India Street, Portland
- Presumpscot Street Layover Depot, Portland
- Bucknam Road or Depot Street in Falmouth
- Middle Road, Cumberland
- Main Street State Route 115, Yarmouth
- Depot Street at Yarmouth Junction, Yarmouth
- Depot Street at Pineland Business Park, Pownal
- Danville Junction, Auburn
- 1 Bates Street, Lewiston

2. The Lewiston-Auburn report lacked specifics as a required source of information for projecting costs. In addition, the report was in significant conflict with the 2011 Jacobs Engineering cost estimates. At this point, only an independent evaluation of the comparative costs, with detailed attention to the State-Owned SLR, and 6 miles of PanAm rail between Lewiston and Danville Junction, can determine the relative value and/or advantages of both routes.

- System Improvements
- Report of all required route corridor infrastructure improvements.
- Data and evaluation of SLR MP 0.0 (India Street) to MP 4.5 missing from VHB report.
- Preliminary conceptals and costs of trail with Rail Portland to Yarmouth.
- Electrification of the Corridor.

2. Operating schedules based on station locations, equipment and projected ridership demand will be determined. How the service will be operated will be evaluated with recommendations provided.

3. Operating Plan

- Peak commuter time hours of operation
- Off-peak and weekend hours of operation
- Evaluation of Operator options.
 - Private
 - Quasi-Municipal
 - State Rail Authority
 - Existing Transit agency

4. Ridership

- Components of Ridership
 - Station Location.
 - Station Design for multi-modal and last mile alternatives
 - Evaluation of existing bus services, private and public
 - Schedules, Travel Time and Fares
 - Commuters
 - Destinations – Medical, work, school, services, housing
 - Special Events
 - Other
- Estimated Ridership
 - Comparisons with other services in locations of similar population
 - Average annual vehicle daily traffic counts

5. Potential subjects for inclusion in report

- A section on Environmental improvements, such as value of decarbonization, fuel use reduction, pollution reduction, surface water improvements, habitat improvement.
- Recreational Trail opportunities with rail.

Summation of the Components of the budget for the proposed work.

6. Estimation of Costs: Engaging the services of Independent consultants for an analysis of all the reports, with a focus on the findings of the Portland North & VHB studies
 - System Infrastructure - \$50,000
 - Electrification Report - \$25,000
 - Last Mile, Rail/Trail and Station design - \$50,000
 - Economic Impact Analysis - \$50,000
 - Equipment Report - \$15,000 (Lloyd)
 - Bid Processes

7. Sources of Funds to pay for system: {Explanation needed} \$10,000
 - Federal Funding Programs identification, requirements and timeframes
 - State of Maine Funding Sources including Bonds
 - Philanthropic and Foundation Grants
 - Value Capture – Local Municipal programs
 - Public- Private partnerships
 - TIF programs
 - Advertising opportunities

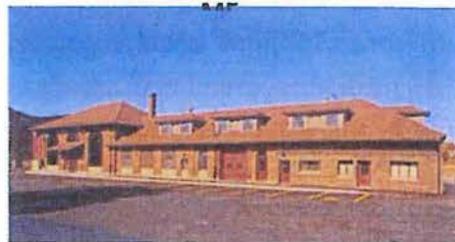
8. Staffing services \$50,000
 - Lewiston
 - AVCOG and potentially GPCOG
 - MRTC

end

**Hybrid-Electric Swiss Statler DMU
Austin TX**



**Lewiston Iron Horse Station
Bates Street, Downtown Lewiston**



Portland North Alternative Modes Transportation Project
Alternative Analysis – Prepared by the Maine Department of Transportation
August 2011
Purpose and Needs Statement

2.0 Project Purpose and Need Statement¹

The primary purpose of the Project is to improve transit mobility options in the study corridor, which is currently experiencing major highway and town congestion that is expected to significantly worsen over time. Integration of the transportation improvements with land use and economic development at train station communities is also central to the Project.

Project needs were identified through a public process in consultation with the MeDOT and project stakeholders. The process first identified the existing and future transportation problems in the corridor and then formulated goals for addressing each of them. Summarized below are the four major goals of the Project, and each is followed by a summary description of the problem or need it is intended to address.

2.1 Reduce Highway Congestion

Current (2011) average annual daily traffic counts on I-295 between Exit 3 and Exit 9 consistently exceed 30,000 daily vehicles in each direction. The heaviest congestion occurs on the bridge crossing Back Cove with daily one-way traffic totals approaching 45,000 vehicles. According to MeDOT, over the next twenty years, traffic volumes and resulting highway congestion on the I-295 corridor north of Portland are expected to increase. Traffic volumes at Back Cove are projected to rise by 20 percent and future peak Level of service (LOS) between Yarmouth and Portland will range from between D and F.

Average daily traffic volumes on the Maine Turnpike (I-95) north of Portland ranged from 10,200 to 27,900 vehicles in July 2009. Although there are no significant congestion problems currently identified on I-95 in the study area, peak highway travel times are projected to increase by 20% from Lewiston/Auburn to Portland and by 32% from Gray to Portland by 2029.

Because of the expected degradation of LOS and travel times, this need could be stated as improvement of commuter transportation during peak travel times. This improvement may be measured by improved travel times or decreased congestion. A consequential benefit of this improvements should be a reduction in congestion-related vehicular emissions.

¹ Portland North Alternative Modes Transportation Alternative Analysis; Executive Summary Section Pp ES-3,4 Section 2.0- 2.4 Project Purpose and Need (also Chapter 1 Section 5 p1-5)

2.2 Increase Mobility Options

One of the goals of the Project is to not only improve and enhance the existing Downeaster passenger train service, but to attract those that rely predominantly on an automobile for travel by providing an efficient and convenient transit alternative(s). Almost one in five households in Portland and Lewiston do not own an automobile, however, the communities located further from the urban centers average over two cars per household. The promotion of alternative modes of transportation is consistent with the State of Maine Strategic Passenger Transportation Plan (Explore Maine) to reduce reliance on highways for movement of people and goods. US Census 200 Journey to Work data shows a very high percentage of commuters utilizing automobile travel. This high percentage is likely tied directly to the lack of options, particularly options which reduce travel times during peak hours.

2.3 Integrate Transportation and Land use Policy

Another goal of the project (consistent with the PACTS Regional Transportation Plan 2006 and the State Planning Office) is to strengthen the link between transportation investments and land use policies and decisions. Ensuring that land development occurs in locations where it is supported by an adequate transportation system and preserving existing roadway capacities are two benefits that may be realized by this policy.

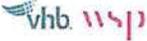
2.4 Promote Community and Economic Development through Transportation Investment

An important purpose of the Project is to entice investment and reinvestment in the traditional urban and small urban centers in the study area. With the inception of rail service from Portland to Boston operated by AMTRAK on its Downeaster Line, communities in Maine along that line are seeing a resurgence. Municipal leaders in Old Orchard Beach, for example, credit the Downeaster Service for spawning the 808 new year-round housing units and a luxury hotel in the community. Moreover, developers of the \$100 million Saco Island redevelopment project, a mixed-use development of retail space, condominiums, offices and a marina on a 15-acre former manufacturing site, state that their project "would not make sense if it were not for the train service". The City of Portland has developed a comprehensive development plan for the city's Bayside district to redevelop the area as an attractive urban gateway featuring a compact mix of uses within walking distance of the downtown.



Lewiston-Auburn Passenger Rail Service Project

Project Update Meeting
Lewiston Library-Callahan Hall
March 27, 2019



AGENDA

- Overview of Project Scope
- Study Area
- Ridership Assessment
- Open House Workshops
- Potential Alignments
- Cost Estimates
- Next Steps for this Project
- Implementation Plan
- Comments and Questions



3

Welcome from the Project Committee

<p><u>City of Lewiston</u> </p> <ul style="list-style-type: none"> ▪ Dick Grandmaison ▪ Lincoln Jeffers ▪ John Myrand 	<p><u>NNEPRA</u> </p> <ul style="list-style-type: none"> ▪ Patricia Quinn
<p><u>City of Auburn</u> </p> <ul style="list-style-type: none"> ▪ Jonathan Labonte ▪ Bettyann Sheats ▪ Bob Stone 	<p><u>Maine DOT</u> </p> <ul style="list-style-type: none"> ▪ Mary Ann Hayes <p>– Met monthly to review project approach and evaluations – Provided local knowledge and insight to Project Team – Reviewed and discussed evaluation results</p>

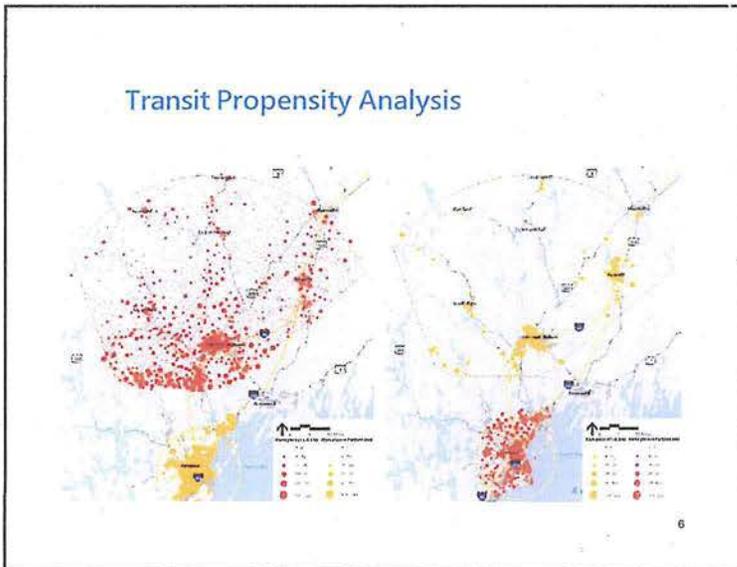
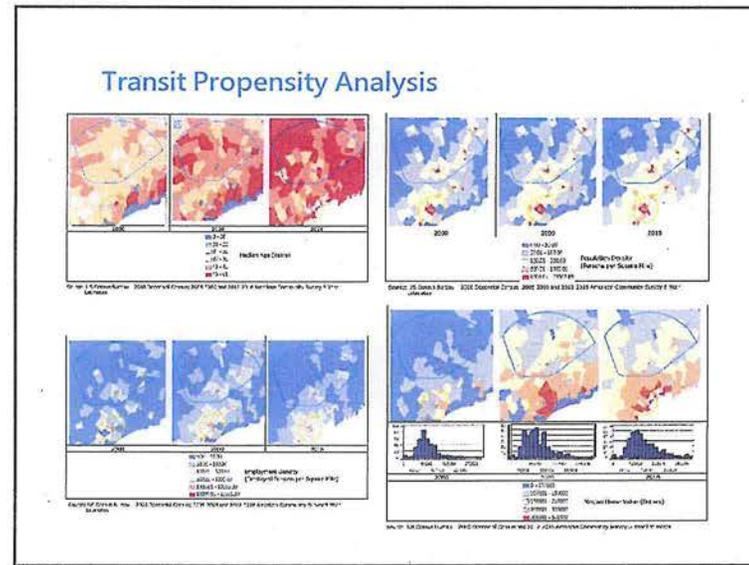
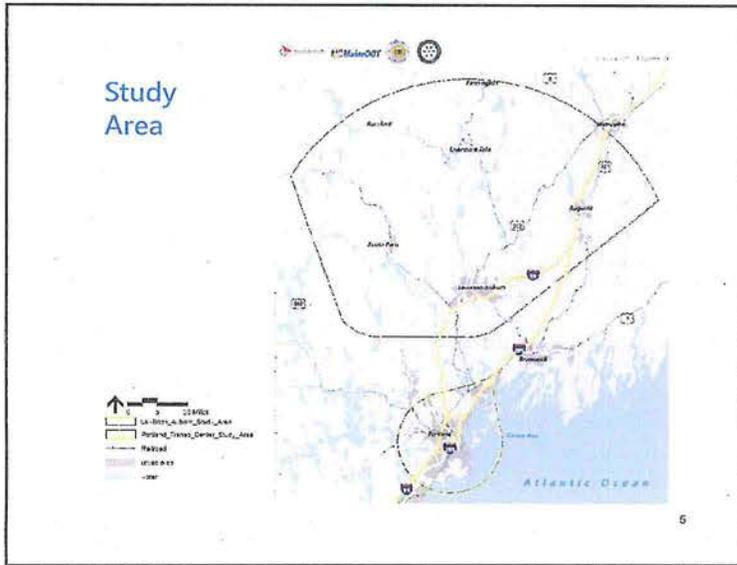
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Overview of Project Scope

Scope split in two distinct phases:

- i. Transit Propensity – Completed in May 2018
Including Ridership Assessment and Two Open House Meetings
- ii. Service Plans, Infrastructure Needs and Costs – Scheduled completion in April 2019

4



Major Takeaways from Ridership Assessment

- I. The region has a latent demand for a transit connection between Lewiston-Auburn and Portland.
- II. The lower and upper limit of the ridership demand depend largely on the level of service and connections that would be made.

	2025 Projection		2040 Projection	
	Daily Riders (one way)		Daily Riders (one way)	
	Low	High	Low	High
High-Frequency Service	600	800	700	1900
Low-Frequency Service	210	240	250	330

8



Open House Workshops

Lewiston – March 28, 2018
90 members of the public

Portland – March 27, 2018
28 members of the public

9

Service Planning and Infrastructure Needs

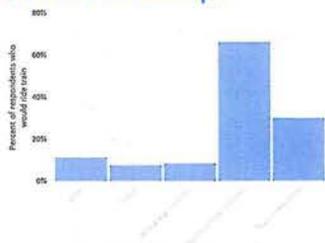
- I. Develop Family of Service Scenarios
- II. Assess Infrastructure Need and Necessary Improvements
- III. Develop Cost Estimates
- IV. Establish Implementation Plan

... all through monthly Project Committee Coordination

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Summary of Open House Workshops

- Common trip purposes cited for riding potential train:
 - Recreational/cultural events
 - Travel connections
- Top responses to what would make individuals more likely to ride the train:
 - Proximity to destination
 - High frequency of service (many trains a day)
 - Lower cost than driving
 - Direct train to Boston



Response	Percentage
Recreational/cultural events	42%
Travel connections	30%
Other	28%

Metric	Value
Proximity to destination	42%
High frequency of service (many trains a day)	30%
Lower cost than driving	28%
Direct train to Boston	25%
Other	15%

Approximately 71% to 98% of those surveyed would use a passenger rail service if available between L-A and Portland

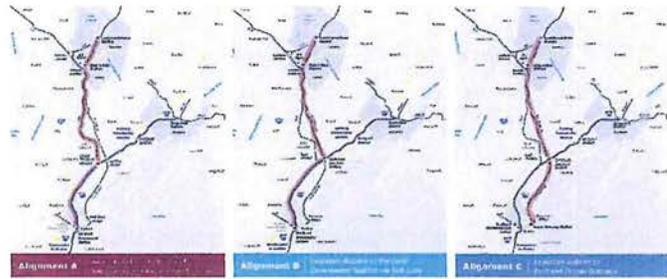
The Alignments

- Started with nine alignments
- Evaluated for five metrics
 - Connections and Access
 - Environmental Impacts
 - Cost to Construct and Operate
 - Timeline to Implement



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Alignments and Stops Considered

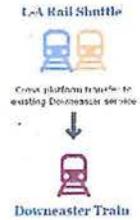


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Potential Phasing Options

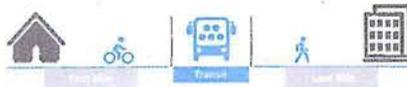
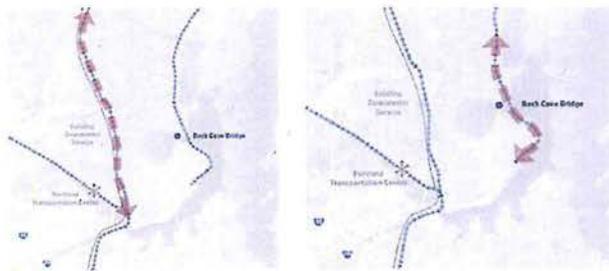
While any of these alternatives could be implemented in their entirety, they could also be implemented as part of a phased approach.

- Orange: Rail Shuttle from South Portland or to Downtown via Eastern Ave
- Blue: Rail Shuttle from South Portland to Downtown via SE Ave



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Connecting Options within Portland

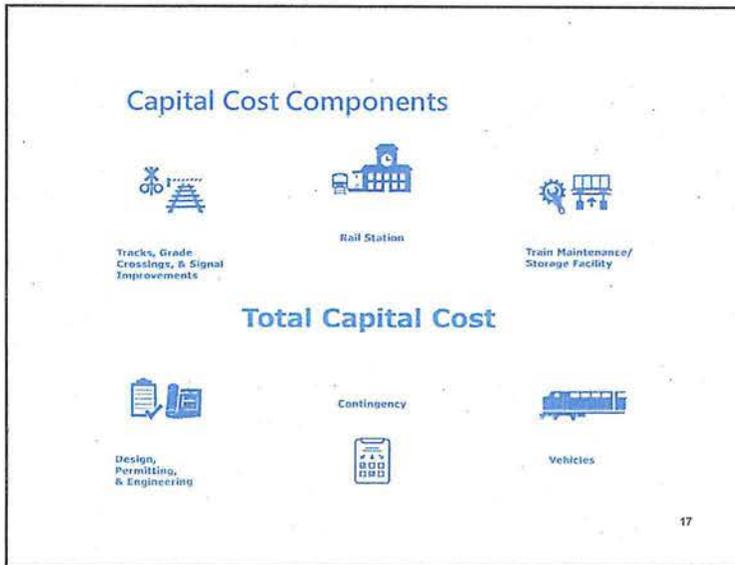


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Operating Plan

- Weekday service
 - Service generally from 5 AM to 10:30 PM
 - 30 minute peak service from 7 to 9 AM and 4 to 6 PM
 - 14 to 15 round trips daily
- Weekend/holiday service
 - Service generally from 5 AM to 10:30 PM
 - 8 to 9 round trips daily
- Shuttle train alignments will meet every Downeaster train daily

16



Capital Cost Components - Vehicles

- Diesel Multiple Units (DMUs)
- Traditional Commuter Rail

19

Capital Cost Components – PTC

- Federally mandated technology for rail corridors with more than six daily round trips
- Safety technology designed to enforce red signals and speed limits
- Costs approximately \$1.5 to 2.5 million per mile

How it Works

BRAKING IN PROGRESS

- Using GPS, PTC evaluates train's distance from end of authority limits
- Warning given if engineer doesn't slow train
- PTC triggers brakes if engineer doesn't brake to stop short of track

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Total Rail Operations & Maintenance Cost

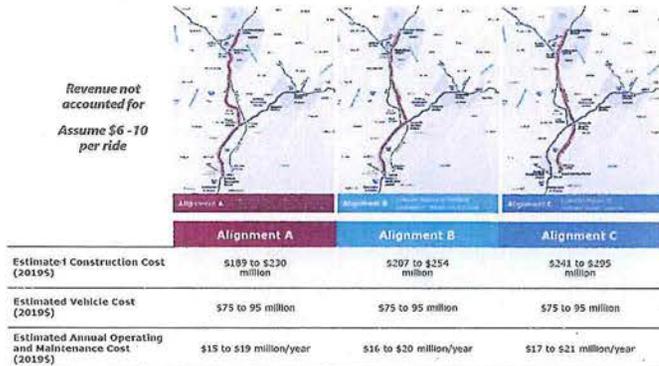
Labor **Materials**

- Driver, Conductor, Administrative, Maintenance
- Station, Train Facility, & Track Supplies

20

Estimated Costs

Revenue not accounted for
Assume \$6 -10 per ride



Next Steps for this Planning Project

- Conduct economic evaluation of project benefits
- Develop first mile/last mile strategy
- Coordinate with Portland Transportation Center Relocation
 - If PTC not relocated Pan Am line cannot handle existing rail traffic plus 15 additional round trips daily
- Prepare National Environment Policy Act (NEPA) documentation
- Initiate discussions with Operating Railroads
- Getting buy in from other communities along the track
 - Which rail line?
 - Station locations?
 - Grade crossings and potential to conflicts
- Analyze capacity and opportunity of freight and Downeaster to share rail lines
- Proof of demand and benefit of project

Next Steps for this Planning Project

- Document comments and questions from this public meeting
- Prepare final report summarizing operating plans, infrastructure needs and costs
- Identify next steps including possible funding options

- Completion date: April 2019

Where does the project need to go from here?

- Establish a Purpose and Need Statement
- Identify preferred alignment
- Identify and secure funding (Federal, State, Local, Private)
- Finalize operating plan
- Determine type of vehicle (Conventional, DMU) and ownership/maintenance
- Develop Operating/Third-Party agreements
- Gain municipal acceptance
- Complete design, permitting and environmental review
- Construction

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Adoption of meeting schedule for the month of November.

INFORMATION:

Due to the November election, it is recommended the City Council cancel their first regular meeting of the month. It is past practice to not hold a Council meeting on the election day. A special Council meeting might be called at the end of October if needed. Councilors are asked to keep the date of Oct. 29 available in case a special meeting is called.

The November Council meeting date will be Tuesday, November 19.

Note: The December meetings will be held as regularly scheduled - Tuesday, December 3rd and Tuesday, December 17th.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ETAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To suspend Section 1(a) of the Rules Governing the City Council, to cancel the November 5, 2019 City Council meeting due to the conflict with Election Day and to hold one regular meeting during the month of November on Tuesday, November 19th.

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Approval of Election Warrant Calling for the Municipal Election to be held on Tuesday, November 5, 2019; Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Municipal and State Election, November 5, 2019; and Authorization to hold a Mayoral Run-Off Election on Tuesday, December 10, 2019, if necessary.

INFORMATION: Under the Maine State Statutes, the municipal officers shall issue an election warrant calling for a municipal election. The City Clerk will be conducting the city election on November 5, 2019 for the following positions: Mayor - citywide; seven City Council seats - Wards 1 - 7; School Committee - at large and seven School Committee seats - Wards 1-7. In addition, there will be a Referendum Question regarding the Lewiston High School building expansion project.

Recommendations on election related issues:

A. That the hours for acceptance of registrations in person only, prior to the Nov. 5th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, Oct. 16 through Nov. 4, 2019.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, expect the day prior to the election when they shall be recorded in accordance with subsec. 7A.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 10:00am, 2:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

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 entitled Approvals Necessary to Conduct the November 5, 2019 Municipal Election.

ORDER

Approvals Necessary to Conduct the November 5, 2019 Municipal Election

October 15, 2019 City Council Meeting

Be It Ordered by the City Council that the Election Warrant be issued for the Municipal Election to be held on Tuesday, November 5, 2019 for the purposes of electing the positions of Mayor, City Councilor and School Committee, as well as a Referendum Question pertaining to the Lewiston High School Building Expansion Project; and

To approve the following recommendation from the City Clerk/Registrar of Voters on actions necessary to conduct the Municipal and State Election to be held on Tuesday, November 5, 2019:

A. That the hours for acceptance of registrations in person only, prior to the November 5th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, Oct. 16 through Nov 4, 2019.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 10:00am, 2:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary, and

To authorize the City Clerk to conduct the Mayoral Run-Off election on Tuesday, December 10, 2019, if necessary, based upon the results of the November 5, 2019 city election.

WARRANT FOR REGULAR MUNICIPAL ELECTION

CITY OF LEWISTON

County of Androscoggin, SS.

To Brian O'Malley, a constable of Lewiston, Maine: You are hereby required in the name of the State of Maine to notify the voters of the City of Lewiston of the election described in this warrant.

To all voters of the City of Lewiston: You are hereby notified that the Regular Municipal Election in this municipality will be held on November 5, 2019, at your respective voting place:

Ward 1 Lewiston Armory, 65 Central Ave.

Ward 5 Longley Elementary School, 145 Birch St.

Ward 2 Montello School Gym, 407 East Ave.

Ward 6 The Green Ladle - LHS Campus, 156 East Ave.

Ward 3 Lewiston Armory, 65 Central Ave.

Ward 7 Longley Elementary School, 145 Birch St.

Ward 4 Longley Elementary School, 145 Birch St.

Said election being held for the purpose of electing one Mayor, one School Committee member at large, one Councilor, and one School Committee member in his/her respective Ward, and

For the purpose of voting on the following Referendum Question regarding a School Construction Project:

Ballot Question:

Question 1: "Shall the City of Lewiston, through its school department, be authorized to construct and equip a new wing on the Lewiston High School (the "Project"), and shall the Lewiston City Council be authorized to issue general obligation bonds for that purpose in an amount not to exceed \$13,400,000?"

The polls shall be opened at 7:00 a.m. and closed at 8:00 p.m.. Absentee ballots will be processed at the City Hall Central Voting Precinct at 10:00A.M., 2:00P.M., 6:00P.M. and any and all remaining at 8:00 P.M., if necessary.

Dated at Lewiston, Maine on October 15, 2019.

ATTEST: _____
Kathleen M. Montejo, MMC
City Clerk

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Amendment to the Traffic Schedule to designate one handicapped parking space on Pine Street.

INFORMATION:

The Public Library has requested the designation of an additional handicapped parking space near their building entrance to accommodate library patrons. The Police Department supports this request.

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 an amendment to the Traffic Schedule for Pine Street to designate one handicapped parking space at the intersection of Pine Street and Lisbon Street as outlined on the attached vote sheet.



POLICE DEPARTMENT

Sgt. Derrick St. Laurent
Administration / Accreditation



TO: Traffic Schedule Control Committee
FROM: Sergeant Derrick St. Laurent
SUBJECT: Parking Amendment (Lewiston Public Library Handicap Spot)
DATE: October 8, 2019

The Lewiston Public Library is requesting an additional Handicap Parking spot on Pine St. to assist with ADA clients. Currently, the Library only has one (1) designated handicap spot in front of the Library, on Lisbon St. The requested spot will be located on the side of the Library (Pine St.), only feet away from the main entrance. The requested location is currently a (1 hour) metered spot.

The Lewiston Police Department and the Lewiston Public Works Department are in support of the new handicap spot.

**ADD
PARKING RESERVED HANDICAPPED
SECTION 35**

PINE STREET

Beginning at a point approximately 34' measured from the northeast corner of the intersection of Lisbon St. & Pine St., traveling east approximately 18' (or 1 parking stall).



If this amendment is approved, this would require Public Works Department to remove sign(s) and/or marking(s) designating the above change. Prior to any changes, warnings would be placed on vehicles and placed in buildings, advising residence of the pending change.

Respectfully Submitted,

Sgt. Derrick St. Laurent
Lewiston Police Department



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LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT: **Resolve**, Amending Master Policy 81 – Miscellaneous Fees and Penalties – to establish Penalties for Violations of the Rental Registration Ordinance.

INFORMATION: In May 2018, the Lewiston Area Public Health Committee, in conjunction with staff of the City Planning and Code Enforcement Department, developed a draft rental registration ordinance. This work was undertaken in light of a goal set in the City’s comprehensive plan to establish a rental registration program as a mechanism to expand property maintenance and life safety inspection services associated with multifamily dwelling units and to provide information on an annual basis such as emergency contact information for owners and managers. This plan was presented to the City Council during a workshop on May 15, 2018. A number of stakeholders appeared at that meeting, including owners of multi-family buildings in Lewiston, to express their opinions on the proposal. While there were some who spoke in favor, a majority of those present expressed opposition.

Given this, the City Council established an Ad-Hoc Advisory Committee on Rental Registration on June 19, 2018 and charged the Committee to investigate whether the City should or should not adopt a rental registration program and to report its findings and recommendations to the City Council. The final report of the Committee recommended that a no-cost registration program be implemented. The Council accepted the report and provided funding in the FY20 budget to support its implementation. A rental registration ordinance has now been adopted.

During Council discussion of the ordinance, there was also consideration of penalties for failure to register or for violations of other provisions of the ordinance. The attached Resolve will set those fines and penalties.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/ksm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the **Resolve**, Amending Master Policy 81 – Miscellaneous Fees and Penalties – to establish Penalties for Violations of the Rental Registration Ordinance.



CITY OF LEWISTON, MAINE

October 15, 2019

COUNCIL RESOLVE

Resolve, Amending Master Policy 81 – Miscellaneous Fees and Penalties – to establish Penalties for Violations of the Rental Registration Ordinance.

Whereas, Upon the recommendations of the Ad-Hoc Committee on Rental Registration and following numerous discussions and detailed review, the City Council has adopted a no-fee rental registration ordinance; and

Whereas, this ordinance requires that all multi-family buildings with three or more rental units be registered with the City to ensure that the City has current information regarding these structures and the responsible parties associated with them; and

Whereas, to be effective, penalties must be established to ensure that these buildings do, in fact, register and that they comply with other requirements of this ordinance;

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

City Master Policy 81, Miscellaneous Fees and Penalties, is hereby amended as follows:

Chapter 18, Article VI – Registration Requirements for Multi-Family Buildings – Penalties

The following civil penalties shall be imposed for the issuance of citations for violations of Section 18-94, Registration required:

Failure to register:

First month or portions thereof	\$50
Second through sixth month	\$100 per month or portion thereof
Months beyond six	\$200 per month or portion thereof

Other violations: \$100 per occurrence

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT: Resolve, Amending Master Policy 81 – Miscellaneous Fees and Penalties – to Establish Penalties for Violating Section 54-10 of the Code of Ordinances – Smoking in Public Parks, Playgrounds, or Recreational Facilities.

INFORMATION:

The City Council recently approved an ordinance prohibiting smoking and the use of other tobacco product in city parks, playgrounds, and recreational facilities. The attached resolve would set penalties for violating this ordinance.

The proposed penalties match those currently in effect in the no smoking area designated for the public right of way adjacent to St. Mary’s Hospital.

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**, Amending Master Policy 81 – Miscellaneous Fees and Penalties – to Establish Penalties for Violating Section 54-10 of the Code of Ordinances – Smoking in Public Parks, Playgrounds, or Recreational Facilities.



COUNCIL RESOLVE

Resolve, Amending Master Policy 81 – Miscellaneous Fees and Penalties – to Establish Penalties for Violating Section 54-10 of the Code of Ordinances – Smoking in Public Parks, Playgrounds, or Recreational Facilities.

Whereas, the City Council recently adopted an Ordinance prohibiting smoking and the use of other tobacco products in city parks, playgrounds, and recreational facilities; and

Whereas, it is therefore appropriate that a fine schedule be established to allow for enforcement of this ordinance;

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

City Master Policy 81, Miscellaneous Fees and Penalties, is hereby amended as follows:

Chapter 54 Section 10 – Smoking in Public Parks, Playgrounds, or Recreational Facilities – Penalty

The following civil penalties shall be imposed for the issuance of citations:

First offense	\$100.00
Second offense	\$200.00
Third and subsequent offense	\$300.00

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Authorization to accept transfer of forfeiture funds.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$1,239.00 or any portion thereof, in the case of the State of Maine vs. Hussein Said Abdillahi, CR-19-454 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.

STATE OF MAINE
Androscoggin, ss

UNIFIED CRIMINAL COURT
Docket No. CR-19-454

State of Maine	}	
	}	Municipality of Lewiston
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Hussein Said Abdillahi	}	
Defendant;	}	
	}	
And	}	
	}	
\$1,239.00 U.S. Currency	}	
Defendant(s) In Rem	}	

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

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

Dated: _____

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

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Pedro O'Hara's, 134 Main Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Pedro O'Hara's, 134 Main Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABIKmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Pedro O'Hara's, 134 Main Street.

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

Date of Application: 10/2/19

Expiration Date: 10/6/19

- 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: Pedro O'Hara's Business Phone: (207) 783-6200

Location Address: 134 Main St.

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

Mailing Address: 134 Main St Lewiston, ME 04240

Email address: pedro@pedroharas.me

Contact Person: Tim Blue Phone: 207 783-6200

Owner of Business: William Welch Date of Birth: 10/7/52

Address of Owner: Auburn Maine

Manager of Establishment: Tim Blue Date of Birth: 10/16/78

Owner of Premises (landlord): Robert Esposito

Address of Premises Owner: Falmouth Maine

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): Same

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

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

Corporation Name: Chiefs LLC

Corporation Mailing Address: 134 Maine St Lewiston, ME 04248

Contact Person: Tim Blue Phone: (207) 783-6200

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 1/2 mile

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.

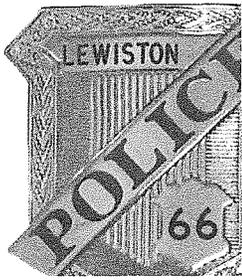
It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

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: T. Troy Karasavage Title: Partner Date: 10/2/19

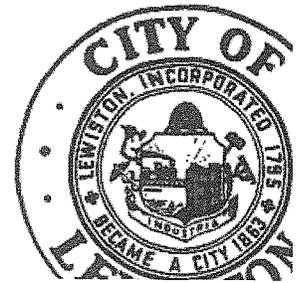
Printed Name: T. Troy Karasavage

Hearing Date: 10/15/19



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: August, 20, 2019

RE: Liquor License– **Pedro O'Hara's**

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

Pedro O'Hara's
134 Main St, Lewiston, Maine



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LEWISTON CITY COUNCIL
MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Midtown Athletic Club, 45 Walnut Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Midtown Athletic Club, 45 Walnut Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Midtown Athletic Club, 45 Walnut Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 10-7-19

Expiration Date: 11-3-19

- 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: Midtown Athletic Club Business Phone: 207-784-2915

Location Address: 45 Walnut St Lew ME 04240

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

Mailing Address: 45 Walnut St Lew ME 04240

Email address: _____

Contact Person: Carol LeBlanc Phone: 207 252-2195

Owner of Business: Carol LeBlanc Date of Birth: 11-13-65

Address of Owner: 17 Sand Hill Rd Lew ME 04240

Manager of Establishment: Carol LeBlanc Date of Birth: 11-13-65

Owner of Premises (landlord): Joseph Dunn

Address of Premises Owner: 263 Pine St Lew ME 04240

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

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

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

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

Corporation Name: Midtown Athletic Club

Corporation Mailing Address: 45 Walnut St Lew ME

Contact Person: Carol LeBlanc Phone: 207 252 2485

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 1 Floor up 15 Feet next building 20 Feet

Please describe the type of proposed entertainment:

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

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

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

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

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

Signature: Carol LeBlanc Title: President Date: 10-7-19

Printed Name: Carol LeBlanc

Hearing Date: 10/15/19

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for LBK Events, 1 Bates Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from LBK Events, 1 Bates Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EPAS/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to LBK Events, 1 Bates Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 10/10/19

Expiration Date: 11/7/2020

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

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

****PLEASE PRINT****

Business Name: LBR Events Business Phone: 207-332-3246

Location Address: 1 Bates St Lewiston Me 04240

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

Mailing Address: PO Box 2315 Lewiston 04241

Email address: Steel04240@aol.com

Contact Person: Wayne Day Phone: 207-740-0066

Owner of Business: Robert Ray Jr Date of Birth: 8/11/79

Address of Owner: 67 West Shore Rd. Jaypswell

Manager of Establishment: Wayne Day Date of Birth: _____

Owner of Premises (landlord): Robert Ray Jr

Address of Premises Owner: 67 West Shore Rd Jaypswell

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): Steel Service Center

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

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

Corporation Name: LBK Events / Robert Roy Jr 8/11/49 Newport

Corporation Mailing Address: P.O. Box 2315 Lewiston 04241

Contact Person: Robert Roy Jr Phone: 202-576-1383

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 1000 ft

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: N/A

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 10/10/19

Printed Name: ROBERT ROY JR

Hearing Date: 10/15/19

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT: Ordinance, Amending Section 50-19 of the Code of Ordinances – Offenses and Miscellaneous Provisions – Prohibiting the Use of Tobacco Products in Designated Areas – Lisbon Street, Adams Avenue to Main Street, both Sides

INFORMATION:

The Council has recently held several workshops to consider prohibiting the use of tobacco products, including e-cigarettes, in various locations, including City parks and recreational areas. During those discussions, a request was made to extend these prohibitions to the area of Lisbon Street stretching from Adams Avenue to Main Street. Such a prohibition would recognize that many residents and visitors frequent this area of the City and should not be exposed to second hand smoke. It also recognizes the issues we currently see in this area associated with discarded cigarette butts.

The fine for a violation of this section of the ordinance already exists at \$100 for the first offense, \$200 for the second, and \$300 for the third.

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 first passage of the Ordinance, Amending Section 50-19 of the Code of Ordinances – Offenses and Miscellaneous Provisions – Prohibiting the Use of Tobacco Products in Designated Areas -- Lisbon Street, Adams Avenue to Main Street, both Sides and to continue the public hearing for final passage to the next regularly scheduled City Council meeting.

Ordinance, Amending Section 50-19 of the Code of Ordinances – Offenses and Miscellaneous Provisions – Prohibiting the Use of Tobacco Products in Designated Areas.

Whereas, Lewiston is a safe and healthy place to live, work, and recreate; and

Whereas, tobacco use is the foremost preventable cause of premature death in the United States, causing over 400,000 deaths in the United States each year; and

Whereas, the Surgeon General of the United States has stated that there are no safe levels of exposure to secondhand smoke; and

Whereas, tobacco-free policies support tobacco-free lifestyles and encourage tobacco users to quit; and

Whereas, discarding cigarette and cigar butts onto the ground is unsightly, unclean, and potentially hazardous, particularly to young children and wildlife;

Now, therefore, the City of Lewiston Hereby Ordains that Section 50-19 of the Code of Ordinances is amended as follows:

Sec. 50-19. Prohibiting tobacco use in designated ~~hospital areas~~ public rights of way.

~~Smoking and all other~~The use of tobacco products, including vaping and e-cigarette use, is prohibited on certain designated public rights of way, in the following public rights of way, including public streets and sidewalks, with the exception of the use of such products by occupants of motorized vehicles traveling through the designated area:-. “Tobacco Products” is defined to include all tobacco-derived or containing products including, but not limited to, cigarettes, cigars, spit and smokeless tobacco, dip, chew, snuff, snus, electronic cigarettes, vape products, and other electronic nicotine delivery systems, excluding products specifically approved by the US Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy. “Smoking” includes carrying or having in one’s possession a lighted or heated cigarette, cigar, or pipe, or a lighted or heated tobacco or plant product intended for human consumption through inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking deice for the purpose of circumventing the prohibition of smoking in this policy.” The designated prohibited areas are:

- ~~(a)~~ (a) Campus Avenue from Sabattus Street to Central Street, both sides.
- ~~(b)~~ Lisbon Street From Adams Avenue to Main Street, both sides.

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

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Traffic and Vehicles ordinance to establish a Student Drop-Off and Pick-Up Zone designation.

INFORMATION:

The Police Department is recommending that the City establish a designation in our City Traffic Ordinance for a "Student Drop Off and Pick Up" zone. Passage is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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That the proposed amendment to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Article IV "Stopping, Standing, and Parking", Section 70-180 "Student Drop Off and Pick Up Only" receive first passage by a roll call vote and to continue said public hearing to the next regularly scheduled City Council meeting for final passage..

No.
Effective:

AN ORDINANCE PERTAINING TO STUDENT DROP OFF & PICK UP ZONES

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 70 of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

CHAPTER 70

TRAFFIC AND VEHICLES

ARTICLE IV. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 70-180. Student Drop Off and Pick Up Only

No person shall stop, stand, park, or leave any vehicle upon any street where an officially designated Student Drop Off and Pick Up zone has been established and appropriately marked, except in cases of emergency.

Secs. 70-181 – 70-185. Reserved.

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

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET: AGENDA ITEM NO. 12

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Business Licensing ordinance regarding Adult Use and Medical Marijuana.

INFORMATION:

A few years ago, Maine voters approved legalization of recreational marijuana, now referred to as “adult use” marijuana. The City currently has an ordinance regulating the sale, cultivation, and processing of medical marijuana. This agenda item proposes to repeal the current ordinance language regarding medical marijuana and to replace it with the proposed new language addressing Adult Use and Medical Marijuana.

The Council has held numerous workshops on this topic. Please see the background material for more information on this subject.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To conduct a public hearing and first passage of the proposal to repeal Article XV entitled “Medical Marijuana – Distribution and Cultivation” in the Business Ordinance and to replace it with the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article XV “Adult Use and Medical Marijuana”, Sections 22-420 through 22-444, and to continue the public hearing to the next regularly scheduled City Council meeting for final passage by a roll call vote.

Ordinance, Amending the Code of Ordinances by repealing Chapter 22, Article XV – Adult Use and Medical Marijuana and Replacing it in its entirety with a New Article XV.

The City of Lewiston hereby ordains that Chapter 22, Article XV – Adult Use and Medical Marijuana – is hereby repealed and Replaced it in its entirety with a New Article XV as follows:

ARTICLE XV. ADULT USE AND MEDICIAL 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. and 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, manufacturing, distribution and sale 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 city.

Sec. 22-422. Definitions.

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

Adult use marijuana: marijuana cultivated, manufactured, distributed or sold by a marijuana establishment.

Adult use marijuana product: a marijuana product that is manufactured, distributed or sold by a marijuana establishment.

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. "Cultivation" or "cultivate" does not include manufacturing, testing or marijuana extraction.

Disqualifying offense means a conviction for a violation of a state or federal law that is (i) a crime punishable by imprisonment for one year or more or (ii) a crime punishable by imprisonment for less than one year if it is violation of the Marijuana Legalization Act, 28-B M.R.S. §101 et seq. or the Maine Medical Use of Marijuana Act. 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" includes marijuana concentrate but does not include industrial hemp as defined in Title 7, section 2231, subsection 1 or a marijuana product.

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 extraction: the process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.

Marijuana flower: is the pistillate reproductive organs of a mature marijuana plant, whether processed or unprocessed, including the flowers and buds of the plant. "Marijuana flower" does not include marijuana trim or whole mature marijuana plants.

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 plant: all species of the plant genus cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an immature marijuana plant or a seedling.

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 for their own use and not for resale or distribution.

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.

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.

Person: an individual or other entity, including a partnership, limited liability company, corporation or other form of business.

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 24 -A.

Registered Dispensary: a person 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. A separate license is required for each type of Marijuana Business, whether located on the same premise, building, or property. 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. Each general partner must sign the application. Each general partner as well as the partnership must meet all qualifications set forth in this Article. Each general partner as well as the partnership shall be considered a licensee if a license is granted.
- 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 (owning 10% or more of the shares of the corporation) 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. A corporate officer must sign the application. Each of the corporation and corporate officer must meet all qualifications set forth in this Article. Each of the corporation and corporate officer shall be considered a licensee if a license is granted.
- 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 managers and members, a copy of its operating agreement, if any, the address of its registered office for service of process, and proof that all members and managers are at least twenty-one (21) years of age. A duly authorized manager must sign

the application. Each of the limited liability company and manager must meet all qualifications set forth in this Article. Each of the limited liability company and manager shall be considered a licensee if a license is granted.

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, principal shareholder, member, manager 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, or the partner of a partnership, or the members or managers of a limited liability company 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 cultivation or storage outside of a structure of marijuana, marijuana products, or related supplies is permitted.
2. Marijuana businesses 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. A nonconforming business may convert to another nonconforming business pursuant to Article VI, Section 4(e) 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 the business and the closest lot line of pre-existing schools or child care facilities and public parks,

- playgrounds or recreational facilities owned by the city. 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 shall be 500 feet as measured along the ordinary course of travel between the main entrance of each premises.
 - (a) Notwithstanding the foregoing, more than one marijuana businesses may be located on the same parcel, provided all state and local requirements are met.
 - (b) A parcel with a marijuana store operating with City approval prior to December 13, 2018 is allowed to have one additional store located on the same parcel not subject to the above referenced separation requirements, provided all state and local requirements are met and if applicable, shall be treated as a nonconforming use pursuant to Article VI, Section 4 of the Zoning and Land Use Code.
 5. All activities of marijuana businesses, including, without limitation, cultivating, growing, manufacturing, 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 regulations 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 medical marijuana assistants 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;
17. Businesses may not be located within 300 feet as measured along the ordinary course of travel between the main entrance of the business and main entrance of a legally established dwelling in a residential zoning district, in existence prior to the establishment of the business.

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 (i) the applicant or applicants in the case of individual applicants; (ii) the applicant or any general partner in the case of an application by a partnership; (iii) the applicant or any officer or principal shareholder in the case of

an application by a corporation; and (iv) the applicant or any manager in the case of an application by a limited liability company, 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 actions of a licensee:

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 by the licensee.
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. Reserved.

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



CITY OF LEWISTON
Department of Planning & Code Enforcement

TO: Mayor and City Council

FROM: David Hediger, Director of Planning and Code Enforcement

DATE: October 4, 2019

RE: A text amendment to the Lewiston Code of Ordinances, Article XV, Adult Use and Medical Marijuana and Appendix A of the Zoning and Land Use Code, Articles II, V, and XI for the definition and regulation of Adult Use and Medical Marijuana

On December 4, 2018, the Council adopted language amending the Code of Ordinances, Article XV, Medical Marijuana – Distribution and Cultivation, to remove references to registered dispensaries and clarify that the city has not opted in under state law to authorize registered caregiver retail stores, registered dispensaries, marijuana testing facilities, or marijuana manufacturing facilities. That action resulted in only registered caregiver grow operations (up to 30 mature plants) being allowed as a permitted use in four zoning districts: Highway Business, Office Service, Industrial, and Urban Enterprise. Any registered caregiver retail stores currently existing are now legally nonconforming.

At the December meeting, Councilors made clear their desire to continue the discussion of where and what type of marijuana operations should be allowed in Lewiston. At the Council workshop on February 12, 2019 staff recommended regulating medical marijuana and adult use marijuana similarly. Adult use marijuana and medical marijuana are governed by two separate statutes, 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). While each statute contains distinct language on local authority to regulate marijuana use and distribution for each particular purpose, staff proposed the two uses be regulated similarly from a local zoning, licensing, and performance standards perspective. On March 12, 2019 staff presented recommendations related to definitions, zoning, performance standards, and licensing requirements. On April 17, 2019 caregivers licensed in Lewiston were invited to a meeting with Planning and Code Enforcement and Lewiston Police to review the recommendations that were provided to the Council. Overall, caregivers seemed to be supportive of the regulations, while providing suggestions for staff's consideration. Additional workshops were held with the Council on May 28th, July 16th, September 10, and October 1st upon which staff provided additional revisions for the Council's consideration.

On August 26, 2019 the Planning Board voted 6-1 to send a favorable recommendation to amend the Code of Ordinances and the Zoning and Land Use Code with respect to the regulation of Adult Use and Medical Marijuana.

Zoning and Land Use Code Amendments

The proposed amendment updates the existing Zoning and Land Use Ordinance to regulate both adult use and medical marijuana. Lewiston’s current regulations are limited to primary caregiver operations and were adopted in 2010. At that time, dispensaries for medical marijuana were not specifically permitted in any zoning district in the City of Lewiston and, in order to be in compliance with the new law at that time, the Zoning and Land Use Code had to be amended to allow for such use. The State has since changed the law with respect to medical marijuana and adult use marijuana, resulting in the need for definition amendments and determinations of where to allow marijuana businesses.

This amendment updates definitions in the Zoning and Land Use Code, referencing 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 amendment also focuses on the specific zoning districts in which marijuana business may operate.

Land Use Definitions

Staff is recommending medical marijuana and adult use marijuana business be subject to the same zoning requirements. 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.

Adult Use Marijuana Act Use Groups	Medical Use of Marijuana Act Use Groups	Proposed Lewiston Ordinance Use Groups
Cultivation facilities	Not defined	Marijuana cultivation facility
Manufacturing facilities	Marijuana manufacturing facilities	Marijuana manufacturing facility
Testing facilities	Marijuana testing facilities	Marijuana testing facility
Stores	Caregiver stores	Marijuana store
Nursery cultivation facilities	(blank, not defined)	Marijuana nursery
(blank: not defined)	Dispensaries	Marijuana dispensary

Zoning Districts

Zoning districts must be reviewed for suitability of marijuana uses. Staff has identified the following zoning districts contained in Article XI, Section 22 of the Zoning and Land Use Code as appropriate for the proposed marijuana use groups noted above:

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

Licensing Provisions

Establishing licensing provisions is really where the City may establish requirements to ensure marijuana business activity is conducted in a safe and fair manner for the health, safety, and welfare of the community. 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. A separate license is required for each Marijuana Business, whether located on the same premise, building, or property. Attached are specific licensing requirement to be included in an amended section of Section 22, Business, Article XV of the Code of Ordinances.

Section 22-430 contains 17 performance standards that marijuana businesses must follow to operate in Lewiston. Sections that have been the focus of past discussion with the Council include, but are not limited to:

2. Marijuana businesses 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. A nonconforming business may convert to another nonconforming business pursuant to Article VI, Section 4(e) 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.
4. 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. However, a parcel with a marijuana store operating with City approval prior to December 13, 2018 is allowed to have one additional store located on the same parcel not

subject to the above referenced separation requirements, provided all state and local requirements are met and if applicable, shall be treated as a nonconforming use pursuant to Article VI, Section 4 of the Zoning and Land Use Code.

11. 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 medical marijuana assistants may provide home delivery services.
17. Businesses may not be located within 300 feet as measured along the ordinary course of travel between the main entrance of the business and main entrance of a legally established dwelling in a residential zoning district, in existence prior to the establishment of the business.

Exemptions

- Each person of 21 years of age or older who is domiciled at that parcel or tract of land is not subject to the above referenced provisions, whether growing as a primary caregiver for themselves and or for their personal adult use as allowed per state law, as long as cultivation is located within fully enclosed structures and any odor from marijuana plants or other marijuana products remain confined within the premises and not be detectable off-site of premises that are not under the custody or control of the establishment or create a public nuisance at common law.
- Registered caregivers manufacturing out of their residence shall apply for and obtain a permit for a home occupation in accordance with Articles II and V of the Zoning and Land Use Code and shall comply with all applicable standards set forth in this ordinance. Registered Caregivers who manufacture medical marijuana only for themselves and/or members of their household are exempt from this requirement and are not required to obtain a permit or license as it applies to this section of ordinance. Adult use manufacturing out of a residence is prohibited.
 - Registered caregivers manufacturing requirements apply to operators producing edible marijuana products out of their home. This is consistent with how the City currently regulates home food processors. Operators are required to obtain a home occupation permit, which limits employees to those residing on the premises and prohibits stock-in-trade on the property. They are also required to obtain a local special food handler's license and a food processing license from the Maine Department of Agriculture. The City may want to revisit adult use manufacturing operating in a residence once the state adopts rules.

Fee Schedule

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; see attached. These fees are consistent with fees adopted by the City of Auburn.

Conclusion

The Planning Board has provided a favorable recommendation to adopt the proposed Zoning and Land Use and Code of Ordinance amendments. Staff is requesting the Council take action to adopt the proposed ordinance

Proposed Marijuana Business Fee Schedule

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. Recommended fee's include:

- Marijuana Store: Annual Operation Permit/License Fee: \$5,000
- Marijuana Manufacturing Facility: Annual Operation Permit/License Fee: \$2,500
- Marijuana Testing Facility: Annual Operation Permit/License Fee: \$2,500
- Marijuana Cultivation:
 - Tier 1: 0 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: \$1,000 (Plant canopies of individual Nursery Cultivations are permanently capped at 1,000 SF.)
- Dispensary: Annual Operation Permit/License Fee: \$5,000

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET: AGENDA ITEM NO. 13

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Zoning and Land Use Code regarding Adult Use and Medical Marijuana.

INFORMATION:

This agenda item is connected to the previous agenda item regarding this same topic.

This item pertains to amendments to the Zoning and Land Use Code regarding the definition and regulation of adult use and medical marijuana.

The Council has held numerous workshops on this topic. Please see the background material for more information on this subject.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve first passage for amendments to the City Code of Ordinances, Appendix A. "Zoning and Land Use Code", Article II. "Definitions", Article V. "Administration and Enforcement" and Article XI. "District Regulations", and to continue said public hearing to the next regularly scheduled City Council meeting for final passage by a roll call vote.

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 II. DEFINITIONS

Sec. 2. Definitions

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

Home occupation means an occupation conducted in a dwelling unit or a structure accessory thereto, provided that all of the following criteria are met:

- (1) No person other than a member of the family residing on the premises shall be engaged in such occupation; and
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the total floor area of the dwelling unit and accessory structures used in the home occupation shall be used in the conduct of the home occupation; and
- (3) There shall be no change in the outside appearance of the building or premises, or any visible evidence of the conduct of such home occupation other than one (1) sign, except as hereinafter permitted; and
- (4) No traffic shall be generated by such home occupations in greater volumes than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required yard; and
- (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a detached one-family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in a radio or television receiver off the premises, or causes fluctuations in line voltage off the premises; and
- (6) There shall be no stock in trade regularly maintained or any new commodity sold on the premises; and
- (7) The following are specifically excluded as home occupations: Convalescent or

nursing home, tourist home, animal hospital, restaurants, doctors' offices, dentists' offices, real estate offices, registered ~~primary~~ caregivers, beauty shops and barber shops, except those that are owner-occupied, one (1) chair, appointment-only shops that meet all the other home occupation criteria.

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

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.

Registered primary caregiver or primary caregiver means a person, ~~a hospice provider licensed under Title 22 M.R.S.A. chapter 1681 or a nursing facility licensed under Title 22 M.R.S.A. chapter 405 that provides care for a registered patient and that has been named by the registered patient as a primary caregiver to assist with a registered patient's medical use of marijuana. A person who is a primary caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.~~ 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 or dispensary means a not for profit entity registered pursuant to State Law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to registered patients who have designated the dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients. 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.

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

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sec. 3. General Provisions.

- (y) Registered primary caregivers. Adult use and medical marijuana. Notwithstanding Article IX, District Regulations, the following provisions apply to registered primary caregivers as defined in Article II, Section 2 and personal adult use:
- (1) Each person 21 years of age or older who is cultivating as a caregiver or for adult use as allowed per state law other than for the personal use Registered primary caregivers engaged in the cultivation of medical marijuana for two to five registered patients shall not cultivate medical marijuana on or within any property containing more than two dwelling units.

- (2) ~~Registered primary caregivers not engaged in the cultivation of medical marijuana and registered primary caregivers engaged in the cultivation of medical marijuana for one registered patient~~ Each person 21 years of age or older who is cultivating as a caregiver for their personal medical use and/or for their personal adult use as allowed per state are not subject to sections 5 and 6 of this Article and are permitted throughout the City.
- (3) Each person 21 years of age or older who is cultivating as a caregiver or for adult use as allowed per state law other than for the personal use ~~Registered primary caregivers engaged in the cultivation of medical marijuana for two to five registered patients~~ are permitted in accordance with Article XI and subject to licensing as per Chapter 22. Article XV of the Code of Ordinances of the City of Lewiston.

ARTICLE XI. DISTRICT REGULATIONS

Sec. 22. Land Use Requirements

(c) *Land Use Table* – use appearing in the table are part of this Code and set forth the use allowed in all districts. (see attached)

Land Use Table Notes

(27) ~~Only one allowed in the city.~~ Must comply with Lewiston Code of Ordinances, Chapter 22, Article XV.

Reason For Proposed Amendment

The proposed amendment updates the existing Zoning and Land Use Ordinance to regulate both adult use and medical marijuana. Lewiston’s current regulations are limited to primary caregiver operations and were adopted in 2010. At that time, dispensaries for medical marijuana were not specifically permitted in any zoning district in the City of Lewiston, and in order to be in compliance with the new law at that time, the Zoning and Land Use Code had to be amended to allow for such use. The State has since changed the law with respect to medical marijuana and adult use marijuana, resulting in the need for definition amendments and determinations of where to allow marijuana businesses.

This amendment updates definitions in the Zoning and Land Use Code, referencing 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 amendment also focuses on the zoning districts in which marijuana business may operate.

- Districts in which the city currently permits industrial and light industrial uses will allow as permitted uses marijuana cultivation, manufacturing, testing, nurseries, and registered 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.
- Downtown Residential and Neighborhood Conservation “B” districts, which currently allow retail uses, will not allow any marijuana stores, since the majority of uses in those districts are residential.

All marijuana business will be subject to local licensing requirements contained in Lewiston Code of Ordinances, Chapter 22, Article XV. Medical marijuana and adult use marijuana establishments will be subject to the same local licensing and zoning requirements.

Conformance With The Comprehensive Plan

- Page 116: “Continue to promote Lewiston and enhance the City’s competitive advantage in order to attract high-quality companies, entrepreneurs, and knowledge-based businesses to the area.”
- Page 164: “Lewiston must build on its growing momentum to actively invite new investment and create the critical mass of economic energy needed to launch the City into a new era of growth and productivity.” “Encourage infill and redevelopment within the downtown, existing service area, and designated growth area.”

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	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	C	C		
Municipal buildings and facilities	C	C	C	C	P	C	C	C	P	C	P	P	P	P	P	P	P	P	C		
Preservation of historic areas, emergency and fire protection activities; bridges and public roadways																			P		
Dams																			C		
Land Use Table: All Zoning Districts 06.22.19	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 (36) (CV)	Office Service (OS)	Industrial (I)	Urban Enterprise	Mill (M)	Resource Conservation (RC) (18)	Groundwater conservation on overlay district (GC)(28)	No Name Pond Conservation Overlay District (NNP)(26)	Mobile Home Park overlay district (MH)(30)
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 structures,				C(13)	P		C(13)	C	P	P(12)(24)	P	P	P	P	P	P	P				
Civic and social organizations							C	P		C			P								
Public community meeting and civic function buildings including auditoriums					P				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(37)	P	P	P(11)			P(14)									
Multifamily dwellings in accordance with the standards of Article XIII				P(34)	P(11)		P	P	P(11)	P	P		P			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	P								P	P				
Mixed use structures					P(11)		P	P	P(11)	P	P	P	P								
Lodging houses							P	P	P(11)												
Home occupations	P	P	P	P		P	P	P	P		P					C					
Bed and breakfast establishments as a home occupation	P	P	P	P	P	P	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				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																	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		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												P	C			
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																		C			
Recreation																					
Campgrounds	C																		C		
Public or private facilities for nonintensive outdoor recreation	C	C	C	C	P	C	C	C	C								P	P			
Commercial outdoor recreation and drive-in theaters					P						C	C			C			P(32)			
Fitness and recreational sports centers as listed under NAICS Code 713940					P			P			P	P	P	P	P	P	P				



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor Cloutier and Lewiston City Council
FROM: David Hediger, Director of Planning and Code Enforcement
DATE: September 5, 2019
RE: Planning Board Action

The Planning Board took the following action at their meeting held on August 26, 2019 regarding a text amendment to the Lewiston Code of Ordinances, Appendix A of the Zoning and Land Use Code, Articles II, V, and XI for the definition and regulation of Adult Use and Medical Marijuana.

The following motions were made:

MOTION:

by Benjamin Martin pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council amend to Appendix A of the Zoning and Land Use Code, Articles II, V, and XI for the definition and regulation of Adult Use and Medical Marijuana. Second by Lucy Bisson

VOTED: 6-1 (Passed, Opposed by Pauline Gudas)

MOTION:

by Benjamin Martin to send a favorable recommendation to the City Council to amend Section 22, Business, Article XV of the Code of Ordinances regulating and licensing Adult Use and Medical Marijuana. Second by Lucy Bisson

VOTED: 6-1 (Passed, Opposed by Pauline Gudas)

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Public Hearing and First Passage for Land Use Code Amendments regarding Nursery Schools in additional zoning districts.

INFORMATION:

This proposed amendment addresses the issue of Nursery Schools and increasing the allowable zoning districts to include Low Density Residential, Medium Density Residential and Suburban Residential. The Planning Board voted at their October 8 meeting to send a favorable recommendation (3-2) to the City Council regarding this amendment however the motion did not pass due to lack of minimum number of majority votes. 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.

ERB/kmm

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 first passage by a roll call vote and to continue said public hearing to the next regularly scheduled City Council meeting for final passage.

Attachment 2

08.12.2019

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), Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) Districts shall be limited to no more than 12 children per session.
6. Nursery schools in the Neighborhood Conservation "A" (NCA), Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) Districts shall be limited to properties containing a minimum of one (1) acre in size.
7. Nursery schools in the Neighborhood Conservation "A" (NCA), Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) Districts shall be accessory to a single-family residence.

ARTICLE XI. DISTRICT REGULATIONS

Sec. 22. Land Use Requirements, (c) Land Use Table (See Land Use Chart, attachment 3)

REASONS FOR THE PROPOSED AMENDMENT

On July 16, 2019, the City Council approved a text amendment that defines Nursery Schools and allows them as a conditional use in the Neighborhood Conservation "A" (NCA) district subject to conditions contained in the definition. This text amendment also moved Nursery Schools out of the *Academic Institution* Land Use Category and aligns it more closely with Child Care Facilities in the Land Use Chart found in Article XI, Section 22 Land Use Requirements.

Attachment 2

The City Council also approved a motion at the July 16th meeting, instructing the Planning Staff to draft a text amendment for Nursery Schools that would include Low Density Residential (LDR), Medium Density Residential (MDR) and Suburban Residential (SR) districts to the definition of Nursery Schools along with the same conditions that apply to the Neighborhood Conservation “A” (NCA) district uses. Also part of this text amendment would be to remove a special note (22) in the Land Use Chart for the LDR, MDR and SR that require a Nursery Schools to be “*Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.*” This change is found in the attached Land Use Chart (attachment 3).

The purpose of the original text amendment was to define Nursery Schools and to allow them as a conditional use in the Neighborhood Conservation “A” (NCA) district. Nursery Schools were 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)

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.”

Text Amendment to Remove Note 22 from Nursery Schools in the LDR, MDR and SR Districts

Land Use Table: All Zoning Districts 05.05.16	Rural Agriculture (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF)	Neighborhood Conservation "A" (NC-A)	Neighborhood Conservation "B" (NC-B)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centerville (CV)on	Office Service (OS)	Industrial (I)	Urban Enterprise (UE)	Mill (M)	Resource Conservation (RC) (18)	Groundwater conservation Overlay (GC)on	No Name Pond Conservati on Overlay (NPN)(29)	Mobile Home Park Overlay (MH)on	
USES(19)(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										
Veterinary facilities including kennels and humane societies	C																					
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	P(22)	P	P	P	P	P	P	P	P	P	P	P					
Day care centers accessory to public schools, religious facilities, business and professional offices including research, experimental, testing laboratories, engineering, research, management and related activities	C	C(22)	C(22)	C(22)	P	C(22)	C(31)	P(9)	P(9)	P	P(9)	P	P(9)	P	P	P	P					
Restaurants						P(1)				P(1)	P(5)	P(26)	P(26)	P(1)	P	P(6)	P				P(6)	
Drinking places						P						C	C	P		P(6)					P(1)	
Adult business establishments																						
Hotels, motels, inns						P				C	P(4)	P	P	P	P						P	
Movie theaters except drive-in theaters						P					P	P	P	P	P						P	
Places of indoor assembly, amusement or culture						P					P	P	P	P	P						P	
Art and crafts studios						P		C		P	C	P	P	P	P						P	
Personal Services						P		P		P	P	P	P	P							P	
Retail stores						P		P		P	P	P	P			P(6)					P	
Neighborhood retail stores																P(6)					P	
Lumber and building materials dealer											C										P	
Gasoline service stations												P									P	
Gasoline service stations which are a part of and subordinate to a new and used car dealers												P									P	
Recreational vehicle, mobile home dealers												P									P (17)	
Equipment dealers and equipment repair												C				P					P	
Automotive services including repair												P(9)									C(9)	
Registered dispensary(27)												C				C	C	C	C			
Registered primary caregivers engaged in the cultivations of medicinal marijuana for two to five registered patients.												P				P						
Tattoo Establishments											C	C										
Industrial																						
Light industrial uses												P(9)	P(9,38)	P	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)				P(6,7)	
Fuel oil dealers and related facilities																P	P				P	
Wholesale sales, warehousing and distribution facilities and self-storage facilities												P				P					P	
Self storage facilities																						P
Commercial solid waste disposal facilities																						P
Junkyards and auto graveyards																						C
Recycling and reprocessing facilities																						C
Private industrial/commercial developments(23)											P	P				C	P				P(9)	
Transportation																						
Airports or heliports	C																					
Commercial parking facilities						P																P
Transit and ground transportation facilities						P	C		C(3)	C	C			P							P	
Transportation facilities												P				C	P				P(10)	
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	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	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																						P
Dams																						C

Attachment 3

Note 22: Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.

Text Amendment to Remove Note 22 from Nursery Schools in the LDR, MDR and SR Districts

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)	Certreville (CV) ₂₀	Office Service (OS)	Industrial (I)	Urban Enterprise (UE)	MHI (M)	Resource Conservation (RC) (18)	Groundwater conservation overlay district (GC) ₂₀	No Name Pond Conservation Overlay (NNP) ₂₈	Mobile Home Park Overlay (MH) ₂₀
Institutional																					
Religious facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P			
Cemeteries	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				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			P								
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(36)																	
Two-family dwellings						P(37)	P	P	P(11)			P(14)									
Multifamily dwellings in accordance with the standards of Article XIII				P(34)	P(11)		P	P	P(11)	P	P		P				P	P			
Single-Family attached dwelling in accordance with the standards of Article XIII				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														
Mixed residential developments in accordance with the standards of Article XIII		P		P			P	P													
Mixed use structures					P(11)		P	P	P(11)	P	P	P	P				P	P			
Lodging houses							P	P	P(11)												
Home occupations	P	P	P	P		P	P	P	P		P									C	
Bed and breakfast establishments as a home occupation	P	P	P	P	P	P	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												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
Shelters									C												
Dormitories												P									
Natural Resource																					
Agriculture	P(8)																				P
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
Water dependent uses, e.g. docks and marinas					P	P															C
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																					C
Recreation																					
Campgrounds	C																				C
Public or private facilities for nonintensive outdoor recreation	C	C	C	C	P	C	C	C	C												P
Commercial outdoor recreation and drive-in theaters					P						C	C		C							P(32)
Fitness and recreational sports centers as listed under NAICS Code 713940					P			P			P	P	P	P							P

Note 22: Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.

**APPENDIX A – ZONING AND LAND USE CODE
ARTICLE X. CONDITIONAL USES**

Sec. 1. Conditional use permit.

- (a) A building, structure, or parcel of land may be employed for a conditional use if the use is specifically listed as a conditional use in the regulations governing the zoning district in which the use is proposed and, except as provided in subsection (b) hereof, a conditional use permit is approved by the board of appeals.
- (b) A building, structure or parcel of land may be employed for a conditional use if the use is specifically listed as a conditional use in the regulations governing the zoning district in which the use is proposed and, when the proposed development is a major development as defined in article XIII, subsection 3(a)(2), if a conditional use permit is approved by the planning board.

(Ord. No. 89-3, 4-7-89)

Sec. 2. Application.

Applications for conditional use permits shall be submitted to the office of the director of code enforcement. A nonrefundable application fee, as established from time to time by the city council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be on forms provided by the city for that purpose and shall contain the following information and documentation:

- (1) The applicant's name and address and his interest in the subject property;
- (2) The owner's name and address, if different than the applicant;
- (3) The address and map and lot number, as shown in the records of the office of the assessor, of the subject property;
- (4) The particular provision of this Code authorizing the proposed conditional use;
- (5) The zoning classification and present use of the subject property;
- (6) A general description of the proposed conditional use;
- (7) A drawing, which is substantially to scale, of the site, showing existing and proposed buildings, roads, drives, parking areas and utilities, the actual relationship of these facilities to each other and the boundaries of the parcel and the location of buildings or abutting lots which are within 50 feet of the property line of the site. Where development approval is required by article XIII of this Code, the drawing shall meet the requirements of article XIII, subsection 3(h)(3) of that article.

→ **Sec. 3. Standards for conditional use permits.**

A conditional use permit shall be granted by the board of appeals or planning board unless the board finds that the granting of the permit would violate one or more of the following standards:

- (1) Neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the

APPENDIX A – ZONING AND LAND USE CODE
ARTICLE X. CONDITIONAL USES

value or quiet possession of surrounding properties greater than would normally occur from such a use in the zoning district. The board may not find that this standard is satisfied unless it finds that:

- a. The size of the proposed use is comparable to surrounding uses; and
- b. The amount and type of traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces are comparable to surrounding uses; and
- c. The generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances is comparable to surrounding uses; and
- d. The impact of the use on the quality and quantity of groundwater available to abutting properties is comparable to surrounding uses; and
- e. Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, do not aggravate adverse impacts upon surrounding properties.

(2) Vehicular and pedestrian access to, into and within the site will be safe and will not be overburdened or create hazards because they are inadequate. The board may not find that this standard is satisfied unless it finds that:

- a. Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.
 1. Adequate capacity means that:
 - (i) Intersections on major access routes to the site within one-half mile of any entrance road will function after development at a minimum at Level of Service C; or
 - (ii) If they are functioning at a Level of Service D or lower prior to the development, the project will not reduce the current level of service.
 2. The board of appeals or planning board may approve a conditional use permit for an application not meeting this requirement if the applicant demonstrates that:
 - (i) A public agency has committed funds to construct the improvements necessary to bring the level of access to said standard, or
 - (ii) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to said standard and will guarantee the completion of the improvements within one year of approval of the permit.
- b. The topography of the site shall permit the construction of all driveways, entrances or proposed streets to meet the standards of the City of Lewiston's Policy for the Design and Construction of Streets and Sidewalks.

APPENDIX A – ZONING AND LAND USE CODE
ARTICLE X. CONDITIONAL USES

- c. Facilities are present to assure the safety of pedestrians passing by or through the site.
- (3) Municipal or other facilities serving the proposed use will not be overburdened or create hazards because they are inadequate. The board may not find that this standard is satisfied unless it finds that:
 - a. The capacity of sewerage and water supply systems is adequate to accommodate the proposed use;
 - b. The capacity of the storm drainage system is adequate to accommodate the proposed use; and
 - c. The ability of the fire department to provide necessary protection services to the site and development is adequate.
- (4) The soils on the proposed site shall have adequate capacity and stability to support all loadings, including fill, developed by the proposed use and the use will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water to the extent that a dangerous or unhealthy condition may result on the site or upon the land of abutters or the environment. In considering whether this standard is satisfied, the board shall take into account the elevation above sea level of the site and surrounding properties, its relation to flood plains, the slope and vegetation of the land and their effects on drainage.
- (5) The scale and design of the proposed structures with respect to materials, scale and massing shall be compatible with existing structures within 500 feet of the site in areas where the existing structures are of a similar scale and architectural treatment.

(Ord. No. 89-3, 4-7-89; Ord. No. 01-23, 2-7-02; Ord. No. 07-02, 3-22-07)

Sec. 4. Additional standards in shoreland areas.

For conditional use permit applications in shoreland areas, the board of appeals or planning board shall grant the application only if it finds that the proposed use:

- (1) Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- (2) Will conserve shoreland vegetation;
- (3) Will conserve visual points of access to waters as viewed from public facilities;
- (4) Will conserve actual points of public access to waters;
- (5) Will conserve natural beauty; and
- (6) Will avoid problems associated with floodplain development or use such as erosion, increased risk of flood damage to upstream properties or increased flood damage.

(Ord. No. 89-3, 4-7-89)

APPENDIX A – ZONING AND LAND USE CODE
ARTICLE X. CONDITIONAL USES

Sec. 5. Limitations on conditional use permits.

No conditional use permit shall be valid for a period longer than six months from the date of issue, or such other time, up to two years, as was fixed when the permit was granted, unless the conditional use has been commenced or construction has actually begun within that period and is thereafter diligently pursued to completion. However, one or more extensions of said time, each not to exceed one year, may be granted by the board of appeals or planning board if the facts which supported the granting of the permit have not materially changed. A conditional use permit shall be deemed to authorize only the particular use for which it was issued and such permit shall automatically expire and cease to be of any force or effect if such use is, for any reason, discontinued for a period of 12 consecutive months. In addition, a conditional use permit authorizes only the activity expressly described in the application. Any additions to buildings or structures, construction of new buildings or structures, or other enlargement, expansion or intensification of the use shall require the issuance of a new conditional use permit.

(Ord. No. 89-3, 4-7-89)

Sec. 6. Miscellaneous provisions.

The provisions relating to appeals contained in article IX, subsections 2(b)--(f) and sections 5, 6, 8 and 11 are also applicable to the administration of conditional use permit applications.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council

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

DATE: October 7, 2019

RE: Nursery School Text Amendment Summary

The Staff is providing a summary of Nursery School text amendments.

Background and Purpose- Back in the spring of 2019, Mrs. Michelle Roberts, who lives at 235 Pond Road, and operates a small family daycare with 12 children, met with Staff to discuss her desire to open a small Nursery School. 235 Pond Road is located in the Neighborhood Conservation "A" (NCA) district, and Staff informed her that Nursery Schools are considered to be an Academic Institution land use type and are not permitted in the NCA district.

The Zoning and Land Use Code defines Academic Institutions in Article XI, District Regulations, Section 22, Land Use Requirements as, "*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*".

Mrs. Roberts submitted a petition to amend the Zoning and Land Use Code to make Nursery Schools a new land use category (in all districts) that would be more closely aligned with Child Care Facilities and include a definition with additional standards specific to the NCA district.

Mrs. Robert's Nursery School text amendment application was submitted and had the following features:

- Nursery Schools were made a specific use group (in all zoning districts) to be similar to Child Care Facilities in the land use chart. Nursery Schools would no longer be considered as an academic institution in the land use chart.
- A new definition for Nursery Schools was added that included seven criteria; four directly from the State's definition of Nursery Schools, and three additional criteria, specific to Nursery Schools in the NCA district. Those three criteria for Nursery Schools in the NCA district were, a.) limit the number of students to no more than 12 students per session, b.) be restricted to properties a minimum of 1 acre in size and c.) require the Nursery School to be accessory to a single-family residence.
- As a new category in the land use chart, Nursery Schools would be 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 (Mill) districts.

- Nursery Schools would be a conditional use in the Rural Agriculture (RA), Low-Density Residential (LD), Suburban Residential (SR), Medium Density Residential (MR), Neighborhood Conservation “B” (NCB) and NCA districts.

The staff agreed that Nursery Schools are similar to existing, permitted Child Care Facilities and felt the proposed text amendment was reasonable as long as neighborhoods were protected from negative impacts by requiring a conditional use approval. (see attachment 4 for the complete ordinance language)

The main features of a conditional use approval are:

- Notifications are sent to all property owners within 300 feet.
- A conditional use application submitted to the Planning Board **must** meet the following standards. (the complete conditional use ordinance is attached)
 1. Neither the proposed use nor the proposed site where the use will be located is of such a character that the use will have a significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from such a use in the zoning district.
 2. Vehicular and pedestrian access to, into and within the site will be safe and will not be overburdened or create hazards because they are inadequate.
 3. Municipal or other facilities serving the proposed use will not be overburdened or create hazards because they are inadequate.
 4. The soils on the proposed site shall have adequate capacity and stability to support all loadings.
 5. The scale and design of the proposed structures concerning materials, scale and massing, shall be compatible with existing structures within 500 feet of the site in areas where the existing structures are of a similar scale and architectural treatment.

Nursery School Text Amendment Approval Process-

- The Planning Board held a public hearing for the text amendment to allow Nursery Schools in the NCA district at their June 10, 2019 meeting and passed a motion 6-0, to send a favorable recommendation to the City Council.
- The City Council approved the text amendment to allow Nursery Schools in the NCA district on July 16, 2019, by a vote of 5-1.
- At the same July 16th meeting, the City Council also approved a motion (6-0) to have the Planning Board consider a second text amendment for Nursery Schools to include Suburban Residential (SR), Low-Density Residential (LDR), and Medium-Density Residential (MDR) districts in the definition of Nursery Schools and to not be “*Accessory to public schools, religious facilities, multifamily or mixed residential developments, and mobile home parks.*”
- The Planning Board held a public meeting on August 12, 2019, to consider a second text amendment for Nursery Schools as recommended by the City Council on July 16th. The Planning Board voted 3-2 to send a favorable recommendation to the City Council. That motion failed by not having a four-vote majority.
- The City Council discussed the second Nursery School text amendment at a workshop on September 10, 2019, and is scheduled to have a first reading on October 15, 2019.

Attachments:

1. Planning Board recommendation to City Council from August 12, 2019.
2. Nursery School Ordinance (8/12/19)
3. Amended Land Use Chart (8/12/19)
4. Conditional Use Ordinance



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council

FROM: Douglas Greene, AICP, City Planner

DATE: October 8, 2019

RE: Planning Board Recommendation: Text Amendment for Nursery Schools in 3 Low-Density Residential Districts

The Planning Board took the following action at their meeting held on August 12, 2019:

MOTION: by Norman Anctil, 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 include Low Density Residential (LDR), Medium Density Residential (MDR) and Suburban Residential (SR) districts in the definition of Nursery Schools and to remove note (22) from Article XI, District Regulations, Section 22, Land Use Table for the LDR, MDR and SR districts. Second, by Kristine Kittridge.

VOTED: 3-2 in favor (Motion Failed Due to Lack of Majority Votes) In Opposition: Benjamin Martin and Lucy Bisson

Purpose of the Text Amendment-

Acting on instructions from the City Council, the Planning Board held a public meeting on August 12, 2019, to discuss amending the Nursery School ordinance that was adopted by the City Council on July 16, 2019. The purpose of the text amendment was to include LDR, MDR and SR in the definition of Nursery Schools and to remove note 22 from the Land Use Table for the LDR, MDR, and SR districts to match the NCA district land use requirements for Nursery Schools. Note 22 requires a use (Nursery Schools) to be "Accessory to public schools, religious facilities, multifamily or mixed residential developments or mobile home parks."

Summary of August 12, 2019, Planning Meeting-

During the August 12 Planning Board public hearing, opponents argued that 12 students per session, two times a day, was double the trips generated from a small daycare facility which would create traffic problems and in general, be

Attachment 1

detrimental to low-density residential neighborhoods. Supporters felt small scale Nursery Schools are a good addition and fit in neighborhoods.

The Planning Board had a quorum of 5 members at the meeting. Three Board members supported the text amendment that treats nursery schools in the LDR, MDR, and SR districts the same as in the NCA district and that required conditional use approval in those districts, which would provide notice to and protect neighborhoods from possible negative impacts. The two Planning Board members opposing the motion expressed concern that the traffic from Nursery Schools in low-density neighborhoods would create negative impacts.

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET: AGENDA ITEM NO. 15

SUBJECT:

Condemnation Hearing for the building located at 135-137 Oxford Street.

INFORMATION:

The City has begun the process for condemnation of the property at 135-137 Oxford Street 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 135-137 Oxford Street 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 135-137 Oxford Street, 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**

135-137 OXFORD STREET

On October 15, 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 and separate, unattached garage located at 135-137 Oxford Street in Lewiston, Maine (the “Structures”) are a nuisance or dangerous pursuant to 17 M.R.S. § 2851 and whether the Structures 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 Structures 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 Benjamin Westman, 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. W L Realty LLC (“Owner”) owns the Structures. Planning Department Exhibit A.
2. The Structures are identified as Parcel ID RE00007161 on the City of Lewiston Tax Maps. Planning Department Exhibit B.
3. On September 13, 2019, a copy of the notice of hearing to be held pursuant to 17 M.R.S. §§ 2851, 2856 (the “Notice”) was recorded in the Androscoggin County Registry of Deeds at Book 10180, Page 101. Planning Department Exhibit C.
4. The Owner was served with a copy of the Notice on September 17, 2019. Planning Department Exhibit D.
5. LOSU LLC holds a mortgage on the Structures.
6. LOSU LLC was served with a copy of the Notice on September 17, 2019. Planning Department Exhibit E.
7. The dwelling structure’s roof, foundation and siding are in disrepair, allowing environmental elements into it, causing deterioration to structural components.
8. The infiltration of water has caused mold and mildew to grow throughout the dwelling structure.
9. Water has accumulated in the basement of the dwelling structure, where mildew and mold has grown.
10. The electrical wiring in the dwelling structure is compromised and cannot be safely used.
11. CMP removed the electrical meter at the dwelling structure due to the infiltration of water into the Structure.
12. The dwelling structure lacks operable smoke alarms.
13. Plumbing throughout the dwelling structure is improperly installed and inadequately maintained.
14. The Structures are abandoned.
15. Discarded household items, trash and construction debris are strewn about the

parcel.

16. Structural elements have deteriorated in the dwelling structure.

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:

17. The dwelling structure is structurally unsafe.
18. The Structures are unsanitary.
19. The dwelling structure constitutes a fire hazard.
20. The dwelling structure is unsuitable and improper for use or occupancy as a residential dwelling.
21. The Structures constitute a hazard to health and safety due to inadequate maintenance, dilapidation and abandonment.
22. Conditions outside the Structures and on the parcel create a hazard to health or safety and dangerous to life or property.
23. The Structures are dangerous to life and property.
24. The Structures pose a serious threat to the public health and safety,

Any one of conclusions in paragraphs 17 through 23 would be sufficient to support a finding that the Structures are nuisance or dangerous buildings, and the Council hereby concludes that the Structures at 135-137 Oxford Street are nuisance and dangerous buildings within the meaning of 17 M.R.S. § 2851. The conclusion in paragraph 24 supports a finding that the Structures must be secured pursuant to 17 M.R.S. § 2856, and the Council hereby concludes that the Structures at 135-137 Oxford Street must be secure.

Order

Having found that the Structures at 135-137 Oxford Street is a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851 and that the Structures must be secured pursuant to 17 M.R.S. § 2856, the City of Lewiston City Council hereby ORDERS:

25. That the Owner and/or its successors and/or assigns shall immediately secure the Structures from entry.
26. That the Owner and/or its successors and/or assigns shall keep the Structures secure.
27. That within thirty (30) days of service of this Order, the Owner and/or its successors and assigns shall demolish the Structures, remove all debris, and stabilize the site.
28. That if the Owner and/or its 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.
29. That within thirty (30) days after demand by the City, the Owner and/or its successors and assign shall reimburse the City for all expenses incurred in connection with this proceeding, including, but not limited to, expenses for securing and maintaining the Structures, service and other costs incurred, and attorneys' fees, if applicable.
30. That if the Owner 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 October 15, 2019, the City of Lewiston City Council adopted the above Order.

Dated: October ____, 2019

Kathleen M. Montejo
City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

October ____, 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

DLN 1001840023041

QUITCLAIM DEED WITH COVENANT
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS THAT, M & G Enterprises, a Maine General Partnership with a principal place of business in Auburn, Maine, for valuable consideration paid, do hereby GRANT unto W L Realty LLC, a Maine Limited Liability Company with a business mailing address of 14 Pleasant Street, Lisbon Falls, Maine 04240, with QUITCLAIM COVENANT, the following described real property located in the City of Lewiston, County of Androscoggin, State of Maine:

PROPERTY DESCRIBED IN "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF

Meaning and intending to convey the same premises conveyed to M & G Enterprises by virtue of deed from Joan Rita Poulin, dated April 2, 1991, and recorded in the Androscoggin County Registry of Deeds in Book 2668, Page 80.

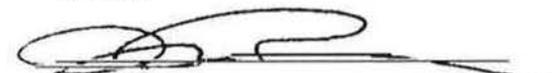
The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

IN WITNESS WHEREOF, M & G Enterprises has caused this instrument to be executed on its behalf by its duly authorized partners Michael J. Roy and Gregory A. Roy this 15th day of March, 2018.

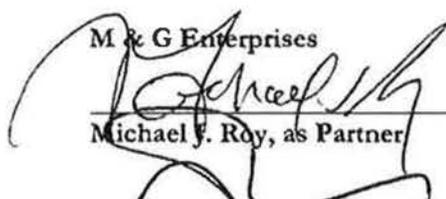
MAINE REAL ESTATE
TRANSFER TAX PAID

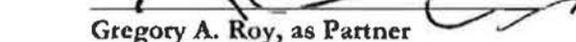


Witness



Witness

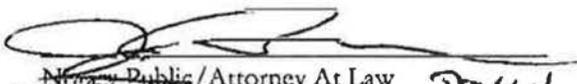
M & G Enterprises


Michael J. Roy, as Partner


Gregory A. Roy, as Partner

STATE OF MAINE
COUNTY OF Androscoggin, ss.

Personally appeared before me on this 15 day of March, 2018 the above named M & G Enterprises through it partners Michael J. Roy and Gregory A. Roy and acknowledged the foregoing instrument to be their free act and deed in said capacity and the free act and deed of M & G Enterprises.



Notary Public/Attorney At Law JOHN BONNEAU
ALL AT LAW
Print Name/Commission Expiration

EXHIBIT A

EXHIBIT A

Beginning at a point on the Westerly line of South Oxford Street two hundred and eighty (280) feet Southerly from Cedar Street; thence running Southerly by said Westerly line of said South Oxford Street, eighty-two (82) feet; thence at a right angle Westerly, sixty (60) feet; thence at a right angle Northerly about seventy-seven (77) feet to a line, the Westerly end of which is a point in the Easterly line of River Street, three hundred and ten and one-half ($310 \frac{1}{2}$) feet Southerly from said Cedar Street, the Easterly end of said line being a point in said Westerly line of said South Oxford Street, two hundred and eighty (280) feet Southerly from said Cedar Street; thence running Easterly by said line about sixty and one-quarter ($60 \frac{1}{4}$) feet to said Westerly line of said South Oxford Street and the point of beginning.

EXHIBIT
B



This Map is provided by the City of Lewiston, ME. Mapping shown on is for general reference. The City of Lewiston shall not be held liable for damages due to discrepancies, and makes no warranty of accuracy of map. Field verification is required. This map is not printed to scale.



Approximate Map Scale:
1 in = 18 ft

Legend

- Parcel Line
- EASEMENT
- Misc. Historic Lot
- Street Address
- Survey Map and Lot
- Lot Dimension
- Utility ROW

Planimetric Legend:

- Building Footprint
- Mobile Home
- Foundation
- Driveway
- Patio
- Deck
- Fence
- Roads, Parking Ways
- Municipal County Parks
- Swimming Pool
- Lake or Pond, Pond, Canal
- Storage or Storage Structure
- Stormwater Drainage Pipe
- Street Structure

Cadastral mapping displayed is intended for assessment purposes only, and shall not be used in place of a boundary survey. Do not use for description, delineation, or transfer of property.

Map-Lot

208-146
 135 OXFORD ST
 Parcel ID
 RE00007161
 Tax Mapping
 Effective April 1, 2018
 to March 31, 2019
 City of Lewiston
 Assessing Dept.
 27 Pine Street
 Lewiston Maine 04240



[Home](#)
[Property Search](#)
[Contact Us](#)
[Address](#)
[Advanced](#)
[Real Property](#)
[Parcel ID](#)
[Owner](#)

[Profile](#)

PARID: RE00007161

135 OXFORD ST

1 of 1

[Values](#)

Parcel

[Sales](#)

Parcel ID	RE00007161
Map/Lot	208/000/146
Property Location	135 OXFORD ST
Property Class	Apartments – 8 Units Or More
Land Area (acreage)	.11

Actions

- [Printable Summary](#)
- [Printable Version](#)

[Residential](#)

[Commercial](#)

[Sketch](#)

[Photos](#)

[Entrances](#)

[OBY](#)

Owners

Owner	W L REALTY LLC
Address	PO BOX 323
City	LISBON FALLS
State	ME
Zip	04252
Book	9806
Page	101

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EXHIBIT C

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

Service / Certified Mail / First Class Mail

W L Realty LLC
c/o Ryan Willey
14 Pleasant Street
Lisbon Falls, Maine 04252

Service / Certified Mail / First Class Mail

LOSU LLC
c/o David Mark Hirshon
Hirshon Law Group, P.C.
40 Regatta Drive
Freeport, Maine 04032

Certified Mail / First Class Mail

W L Realty LLC
c/o Ryan Willey
29 High Street
Brunswick, Maine 04011

Certified Mail / First Class Mail

W L Realty LLC
c/o Ryan Willey
PO Box 323
Lisbon Falls, Maine 04252

Electronic Mail

Ryan Willey
rw.projectmanagement@gmail.com

Certified Mail / First Class Mail / Posted at Property

W L Realty LLC
c/o Ryan Willey
135 Oxford Street
Lewiston, Maine 04240

135-137 OXFORD STREET, LEWISTON, MAINE

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

October 15, 2019 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

The hearing is regarding the building at 135-137 Oxford Street, Lewiston, Maine, identified as Parcel ID RE00007161 on the City of Lewiston Tax Maps, and further described in a Quitclaim Deed with Covenant dated March 15, 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.

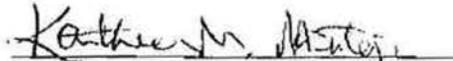
If the City Council finds that the building is a nuisance or dangerous, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the building. The City may then recover all of its expenses, by means of a special tax or civil action, including reasonable 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.

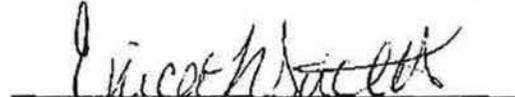
September 12, 2019


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

September 12, 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

Return

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
135-137 Oxford Street, Lewiston, Maine
Dangerous Buildings

On September 17, 2019, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on W L Realty LLC, c/o Ryan Willey, its Registered Agent, as follows:

W L Realty LLC
c/o Ryan Willey
14 Pleasant Street
Lisbon Falls, Maine 04252

Costs of Service:

Service:	\$	<u>21.00</u>
Travel:	\$	<u>5.00</u>
Postage:	\$	<u>2.00</u>
Other:	\$	<u>2.00</u>
TOTAL:	\$	<u>30.00</u>


Signature

Andrew Coggins SO
Agency

135-137 Oxford Street, Lewiston

EXHIBIT D

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

Service / Certified Mail / First Class Mail

W L Realty LLC
c/o Ryan Willey
14 Pleasant Street
Lisbon Falls, Maine 04252

Service / Certified Mail / First Class Mail

LOSU LLC
c/o David Mark Hirshon
Hirshon Law Group, P.C.
40 Regatta Drive
Freeport, Maine 04032

Certified Mail / First Class Mail

W L Realty LLC
c/o Ryan Willey
29 High Street
Brunswick, Maine 04011

Certified Mail / First Class Mail

W L Realty LLC
c/o Ryan Willey
PO Box 323
Lisbon Falls, Maine 04252

Electronic Mail

Ryan Willey
rw.projectmanagement@gmail.com

Certified Mail / First Class Mail / Posted at Property

W L Realty LLC
c/o Ryan Willey
135 Oxford Street
Lewiston, Maine 04240

135-137 OXFORD STREET, LEWISTON, MAINE

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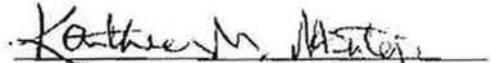
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September 12, 2019


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

September 12, 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

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
135-137 Oxford Street, Lewiston, Maine
Dangerous Buildings

On September 17, 2019, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on LOSU LLC, c/o David Mark Hirshon, its Registered Agent, as follows:

LOSU LLC
c/o David Mark Hirshon
Hirshon Law Group, P.C.
40 Regatta Drive
Freeport, Maine 04032

Costs of Service:

Service:	\$	<u>16.00</u>
Travel:	\$	<u>26.00</u>
Postage:	\$	<u>1.65</u>
Other:	\$	<u>5.00</u>
TOTAL:	\$	<u>47.65</u>

David Hirshon
Signature

CCSD
Agency



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

Service / Certified Mail / First Class Mail

W L Realty LLC
c/o Ryan Willey
14 Pleasant Street
Lisbon Falls, Maine 04252

Service / Certified Mail / First Class Mail

LOSU LLC
c/o David Mark Hirshon
Hirshon Law Group, P.C.
40 Regatta Drive
Freeport, Maine 04032

Certified Mail / First Class Mail

W L Realty LLC
c/o Ryan Willey
29 High Street
Brunswick, Maine 04011

Certified Mail / First Class Mail

W L Realty LLC
c/o Ryan Willey
PO Box 323
Lisbon Falls, Maine 04252

Electronic Mail

Ryan Willey
rw.projectmanagement@gmail.com

**Certified Mail / First Class Mail / Posted at
Property**

W L Realty LLC
c/o Ryan Willey
135 Oxford Street
Lewiston, Maine 04240

135-137 OXFORD STREET, LEWISTON, MAINE

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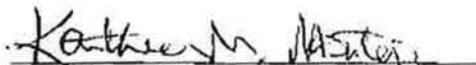
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This hearing is your opportunity to present evidence as to why the building is not a nuisance or dangerous and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to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

September 12, 2019


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

September 12, 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

State of Maine

Department of Economic and Community Development
Code Enforcement Officer Training and Certification Program

Certifies

Benjamin Westman

To perform duties as code enforcement officers in the areas of
Land Use ~ Residential Radon Code



Certification no.: 1100

Certification expiration date: 1/31/2024

Brianne Hasty, Program Manager

EXHIBIT F

**CITY OF LEWISTON
CODE ENFORCEMENT
CITY BUILDING
27 PINE STREET
LEWISTON, MAINE 04240
207-513-3125**

NOTICE OF VIOLATION

Code Case: 3471-2017
VIA FIRST CLASS & CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 15, 2017

M and G Enterprises
Attn: Mike Roy
70 Broad Street
Auburn, ME 04210

Re: 135 Oxford Street, Lewiston, Maine
Map-Lot: 208-146

Dear M and G Enterprises and Mike Roy,

On November 29, 2017, the property located at 135 Oxford Street came to the attention of the Planning and Code Enforcement Department. Upon inspection, the building and property was found to be in violation of Chapter 18, Article III, Property Maintenance Code, Sections 18-51 and 18-52, and Chapter 38, Article II, Section 38-26 as per the Code of Ordinances of the City of Lewiston, hereafter referred to as the Code. I hereby condemn the building as uninhabitable and unsafe for occupancy. In accordance with the Code, the violations requiring abatement include but are not limited to the following:

International Property Maintenance Code

302.6 Exhaust vents

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

Corrective Action: The chimney has openings in the shaft due to removal of the heating systems. These openings must be properly sealed to prevent exhaust gases from entering the units.

Compliance Date: January 15, 2018

EXHIBIT G

(17)

302.7 Accessory structures

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Corrective Action: The storage/garage area in the rear of the property has rotted siding and doors that are not functioning. Replace all damaged siding and doors. Compliance Date: January 15, 2018

304.1.1 Unsafe conditions

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant, or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound or not properly anchored or that are anchored with connections not capable of supporting all nominal

loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise be an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

In addition **304.4 Structural members**, states that "All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads." and **304.7 Roofs and drainage**, states that "The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance."

Corrective Action: The roof is allowing water into the fourth floor unit on the right side of the building. The egress porches are structurally unstable and have several areas that are rotten. Both items present unsafe conditions and must be repaired or replaced.

Compliance Date: January 15, 2018

304.2 Protective treatment

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. In addition **304.6 Exterior walls**, states that, "All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration."

Corrective Action: The doors, porches, and windows throughout the majority of the building are deteriorated. All defective areas will need significant repair or replacement; except for the windows. All the single pane wooden sash windows will need to be replaced.

Compliance Date: January 15, 2018

304.5 Foundation walls

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

Corrective Action: The masonry joints on the foundation are deteriorated. Repoint all deteriorated masonry joints and replace brick as needed.

Compliance Date: January 15, 2018

304.12 Handrails and guards

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Corrective Action: The handrails on the rear egress porches do not have a proper handrail. Install a handrail with a graspable railing.

Compliance Date: January 15, 2018

304.13 Window, skylight and door frames

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. In addition **304.13.1 Glazing**, states that "All glazing materials shall be maintained free from cracks and holes." and **304.13.2 Openable windows**, states that "Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware."

Corrective Action: The windows throughout the property have deteriorated frames, broken glass and are unable to support themselves. All defective windows need to be replaced.

Compliance Date: January 15, 2018

304.14 Insect screens

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Corrective Action: Multiple windows throughout the property have missing and damaged screens. Replace all defective screens.

Compliance Date: January 15, 2018

304.15 Doors

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

Corrective Action: Multiple exterior doors throughout the property are hard to open. Repair all doors so they operate properly.

Compliance Date: January 15, 2018

305.3 Interior surfaces

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

Corrective Action: The entire building has severe deterioration on a large portion of the buildings windows, walls, ceilings, floors, doors and windows. All the defective components will need significant repair or replacement

Compliance Date: January 15, 2018

305.4 Stairs and walking surfaces

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Corrective Action: Multiple areas of common area flooring and individual unit flooring is damaged and torn. Replace all defective flooring.

Compliance Date: January 15, 2018

305.5 Handrails and guards

Every handrail and guard shall be firmly fastened and capable of supporting normal imposed loads and shall be maintained in good condition.

Corrective Action: All levels of the common interior hallways are missing proper handrails. Install code compliant handrails to all existing handrails.

Compliance Date: January 15, 2018

305.6 Interior doors

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Corrective Action: Multiple interior doors are damaged and do not close properly. Repair or replace all damaged doors.

Compliance Date: January 15, 2018

402.2 Common halls and stairways

Every common hall and stairway in residential occupancies, other than in one-and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.

Corrective Action: The hallways had no functioning lighting source. The hallways must be lit at all times. Repair the common area lighting so the hallways are properly lit.

Compliance Date: January 15, 2018

504.1 General

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. In addition **504.3 Plumbing system hazards**, states that "Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard."

Corrective Action: The drain on the 137 Oxford Street fourth floor apartment is broken and no longer functioning. Replace the damaged section.

Compliance Date: January 15, 2018

505.3 Supply

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks. Supply lines to the hot and cold water valves at the sink must be of metal, or metal braid, composition, not plastic.

Corrective Action: The water supplies to some of the apartments on the 137 Oxford Street side are only cold water in the kitchen. Remove all single source supplies and install units capable of both hot and cold water.

Compliance Date: January 15, 2018

604.3 Electrical system hazards

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Corrective Action: The building on the 137 Oxford Street side has unfinished electrical in the units. The basement has an open junction in the basement as well. Repair all electrical in the 137 Oxford Street side and the basement. Proper permits must be obtained prior to the start of work.

Compliance Date: January 15, 2018

704.2 Smoke alarms and carbon monoxide detectors

Single- or multiple-station smoke alarms shall be installed and maintained in accordance with Chapter 38, Section 38-26 (c) of the Code of Ordinances of the City of Lewiston. Carbon monoxide detectors shall be installed and maintained in accordance with Title 25 M.R.S.A. § 2468.

Corrective Action: The building has multiple non-functioning smoke and carbon monoxide detectors. Replace all smoke and carbon monoxide detectors.

Compliance Date: Immediately

I hereby condemn and placard the building and property at 135 Oxford Street as being unfit for occupancy 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., as amended of the Code of Ordinances of the City of Lewiston. You are hereby ordered to **immediately** ensure the building is secured from unauthorized entry. You are to make substantial repairs, with all appropriate permits issued by this office, or to demolish this building, leaving the property in a manner to the satisfaction of this office by no later than **January 15, 2018**.

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 "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 fifteen dollars (\$215.00), 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. as amended. A judgment from such a lawsuit in the City's favor can 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, and the payment of court costs and the City's legal fees.

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/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 dollars (\$150.00) appeal fee. Should you fail to appeal you will be barred from any opportunity to contest or challenge the content or 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 International 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,



Benjamin Westman, Code Enforcement Officer

C: Gildace J. Arsenault, Director of Planning & Code Enforcement

Code Case: 3471-2017

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.

135-137 Oxford Street
Dangerous Buildings Act Hearing

October 15, 2019
Lewiston City Council Meeting

EXHIBIT H

Inspecting Code Enforcement Officer Benjamin Westman

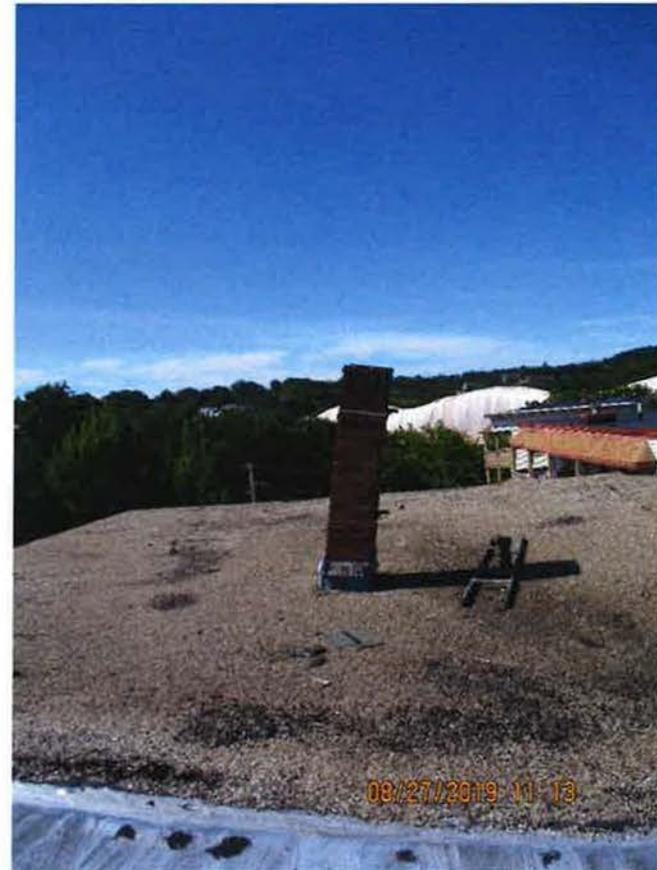
2 years experience as a State of Maine certified code enforcement officer

4 years as Housing Choice Voucher (HCV) Inspector for Lewiston Housing
Authority

Exterior- Roof Deteriorated

August 27, 2019

- Deteriorated roof is allowing water to infiltrate the building
- Chimney is leaning heavily
- Both roof and chimney constitute a hazard due to dilapidation
- Hazard to health and safety
- Dangerous to life and property



*additional evidence of exterior deterioration available in the Appendix to this slideshow

Access – Unsecured

- Structure is unsecure
- Contributes to dilapidation and abandonment
- People have been present at the property on multiple occasions
- Constitutes a hazard and is dangerous to property



August 19, 2019 and August 27, 2019



Interior electrical

August 27, 2019

- Interior electric has been impacted on all levels of the building by water infiltration from dilapidated roof
- Globe is full of water
- Smoke detector is missing
- Constitutes a fire hazard
- Constitutes a hazard to life and safety



Interior- electrical

August 21, 2019 and August 27, 2019

- Exposed wiring dangerous to life and safety
- Constitutes a hazard to life and property



*additional evidence of electrical violations available in the Appendix to this slideshow

Interior- Water damage

August 19 and 27, 2019

- Water has infiltrated all floors due to dilapidated roof leading to deteriorated conditions of the walls, ceilings and structural components
- Creates an unsanitary condition
- Dangerous to property
- Hazard to health and safety due to inadequate maintenance, dilapidation and abandonment



Interior- Plumbing

November 29, 2017

- Units in the building have no hot water source
- Is unsuitable and improper for the use or occupancy to which it is put
- Contributes to the obsolescence of the structure
- Constitutes a hazard to health and safety



*additional evidence of plumbing violations available in the Appendix to this slideshow

Interior - Plumbing

August 27, 2019

- Plumbing has been removed
- Sewer gas is able to freely enter building
- Constitutes a hazard to health and safety



Interior- basement

November 21, 2018

- Deteriorated floor board near building rim joist and sill plate
- Rot is setting in on the rim joist along with mold growth
- Structurally unstable and unsanitary
- Hazard to health and safety



Interior – basement

August 27, 2019

- Water infiltration from dilapidated roof has infiltrated the basement
- Mold growth due to inadequate maintenance and water infiltration
- Hazard to health and safety



Water Heater

August 27, 2019

- Water heaters are improperly installed with a negative pitch allowing carbon monoxide gas to build up
- Dilapidated vent pipe allowing carbon monoxide gas to leak into the basement
- Hazard to health and safety



Foundation

August 27, 2019

- Deteriorated mortar allowing elements to enter
- Is dangerous to property as it leads to deterioration
- Constitutes a hazard to health and safety due inadequate maintenance and dilapidation



Exterior

August 27, 2019

- Water damaged siding
- Allowing elements into the Structure
- Mold and mildew growth from moisture



- CDC ordered Lead Abatement since July 22, 2014
- Hazard to health and safety

Accessory Building

- Part of CDC ordered Lead Abatement since July 22, 2014
- Constitutes a fire hazard due to fire loading of first floor
- Hazard to health and safety

August 27, 2019



Exterior- unsanitary

August 27, 2019

- Construction demolition debris, trash, discarded household goods
- Attracts pests
- Contributes to a dilapidation and abandonment
- Danger to public health and safety



Conclusion

- The building is structurally unstable and unsanitary
- The building constitutes a fire hazard
- It constitutes a hazard to health and safety due to inadequate maintenance, dilapidation, obsolescence and abandonment
- It is dangerous to life and property
- The building is a nuisance or dangerous building
- Accordingly the building must be demolished

Appendix

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

Exterior Issues

November 29, 2017



August 27, 2019

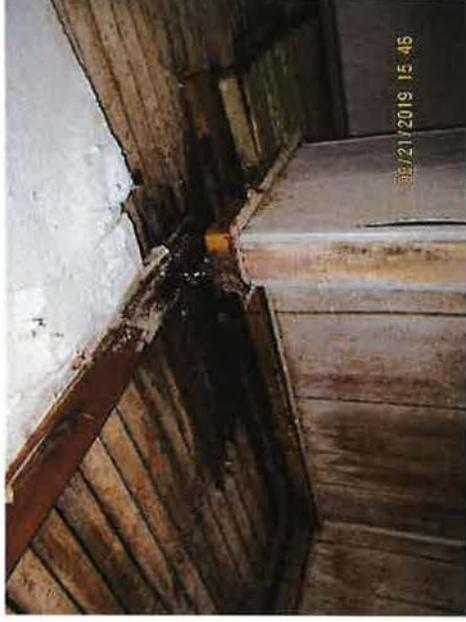


Exterior Issues



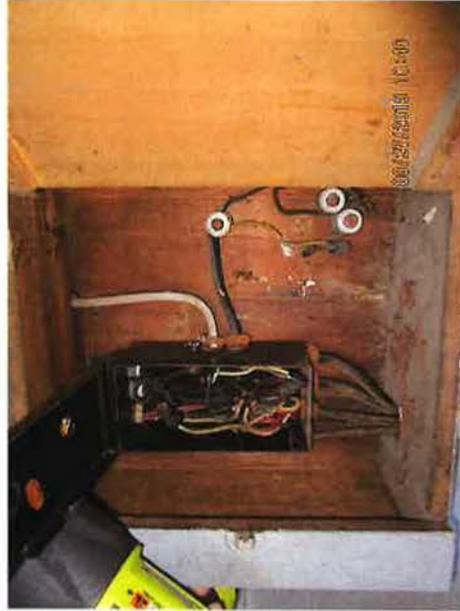
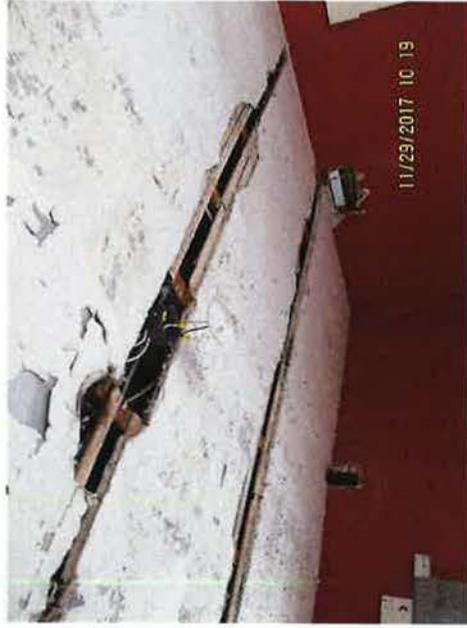
Interior Water Damage Issues

August 19, 2019 and August 21, 2019



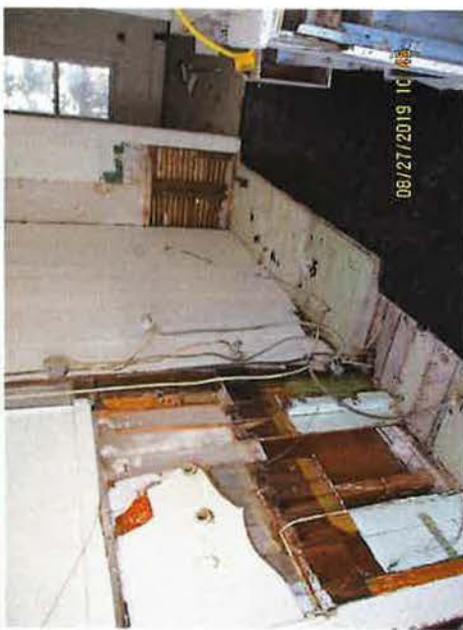
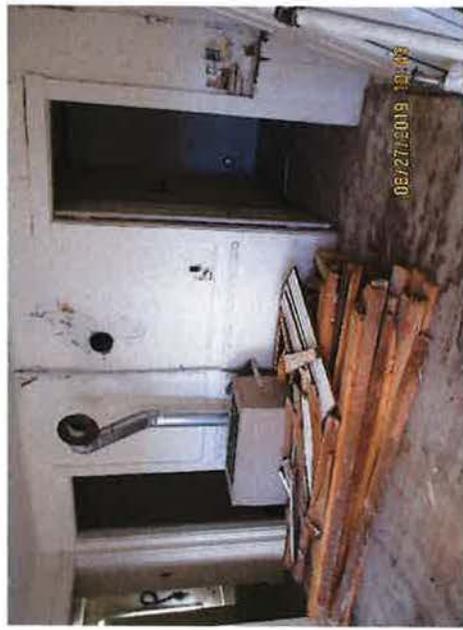
Interior Electrical Issues

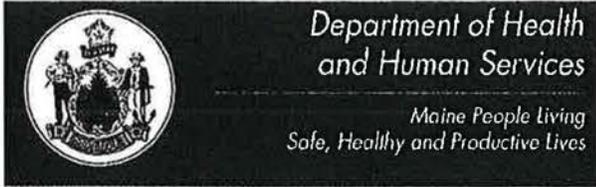
November 29, 2017 and August 27, 2019



Unfinished Interior Issues

August 27, 2019





Department of Health
and Human Services

Maine People Living
Safe, Healthy and Productive Lives

Paul R. LaPage, Governor

Ricker Hamilton, Commissioner

Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street, 3rd Floor
#11 State House Station
Augusta, Maine 04333-0011
Tel.: (207) 287-4311; Fax: (207) 287-3981
TTY Users: Dial 711 (Maine Relay)

June 27, 2018

Ryan Willey
W L Realty LLC
PO Box 323
Lisbon Falls, ME 04252

**NOTICE OF ENVIRONMENTAL LEAD HAZARDS
ORDER TO ABATE**

CERTIFIED MAIL RETURN RECEIPT REQUESTED #: 7016 1370 0001 7272 4370

CASE ID: 18-030E

PHYSICAL LOCATION: 135-137 Oxford St, Lewiston, ME & EXTERIOR

Dear Ryan Willey:

On June 14, 2018 an Environmental Lead Investigation was performed at the rental property listed above. An Environmental Lead Investigation is a detailed inspection to identify lead hazards. That inspection found lead hazards that must be abated, according to the Maine Lead Poisoning Control Act. Please review the enclosed report, which includes the results of the inspection, then call me at: (207) 287-3227, to discuss how to proceed.

Maine's Lead Poisoning Control Act requires the property owner to abate the lead hazards within thirty (30) days of receipt of this notice, by choosing one of the following options:

- **Hire a Licensed Lead Abatement Contractor.** The contractor must be licensed by the Maine Department of Environmental Protection (22 M.R.S. §1321.3). Enclosed is a list of all licensed lead abatement contractors in the State of Maine. No other contractors are qualified, or allowed, to do this work under Maine law. Use of a non-licensed contractor may result in fines as much as \$500 per unit, per day and/or referral to the State of Maine Attorney General's Office as a criminal violation.

EXHIBIT I

- **Become Licensed As A Lead Abatement Contractor.** To find out how to become licensed, call Sandy Moody at the Maine Department of Environmental Protection at 287-7751. Addressing lead hazards without being licensed as an abatement contractor may result in fines as much as \$500 per unit, per day and/or referral to the State of Maine Attorney General's Office as a criminal violation.
- **Sell the Property to a new owner, who must complete the required abatement.** If you choose to sell the property, you must notify the new owner in writing that there is an abatement order on the property and that the new owner must address the lead hazards (22 M.R.S. §1321.4). You must send a copy of that letter to the Maine CDC Childhood Lead Poisoning Prevention Unit. Failure to notify the new owner of the abatement order and the requirement to abate, or failure to notify the Maine CDC Childhood Lead Poisoning Prevention Unit, may result in fines as much as \$500 per unit, per day and/or referral to the State of Maine Attorney General's Office as a criminal violation.

If the work cannot be finished within thirty (30) days, you may ask for more time by mailing us your written request. When requesting more time to finish the abatement, be sure to include and describe the following areas:

- What work on the abatement is completed so far;
- The reason why the work cannot be completed in thirty (30) days;
- An outline of the plan to complete the abatement; and,
- The proposed completion date.

The request must be made in writing to me at the address below.

We may deny your request if you fail to demonstrate either sufficient progress or an effort to meet the requirements. Failure to abate the property within thirty (30) days without a valid request for extension granted may result in fines for as much as \$500 per unit, per day, and/or referral to the State of Maine Attorney General's Office as a criminal violation (22 M.R.S. §1321.3).

Please be aware that if the property is not abated or an extension is not granted within 30 days of receipt of this order, you may be subject to fines.

No unit that is, or becomes empty within this building, is allowed for rental after the date of this abatement order (22 M.R.S. §1322). This prohibition is in accordance with the Lead Poisoning Control Act, and it remains in place until the following actions occur:

- Completion of all abatement of the interior and exterior of the building;
- You receive passing results of clearance lead dust testing; and,
- You receive a compliance letter from the Maine CDC Childhood Lead Poisoning Prevention Unit that states the unit is cleared.

Re-renting units before being cleared may result in fines of \$500 per violation, per unit, per day.

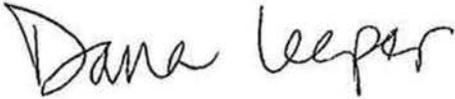
You may not evict tenants with children due to the existence of lead hazards (22 M.R.S. §1322). Eviction of tenants due to lead hazards may result in fines of \$500 per violation, per unit, per day and/or referral to the State of Maine Attorney General's Office as a criminal violation.

Willey
Page 3

If the property was inspected during the winter months when the ground was frozen or snow covered bare soil, we may need to re-inspect the exterior of the dwelling to sample bare soil. The results of the soil analysis will be sent to you separately if this is the case.

Again, please call me to discuss these requirements.

Sincerely,



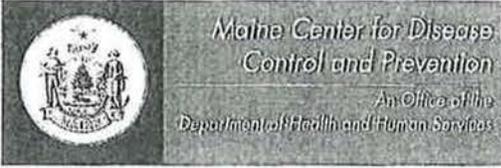
Dana Leeper, Environmental Coordinator
Maine CDC Childhood Lead Poisoning Prevention Unit
286 Water St., SHS # 11
Augusta, ME 04333-0011
207-287-5668
dana.leeper@maine.gov

Cc: Sandy Moody, DEP
Travis Mills, City of Lewiston
Kieri Delano, CCI

Enc: Lead-Based Paint Environmental Investigation Report
Lead Abatement Contractor Listing

Lead Abatement Contractor Listing

Bus Name	Bus Add1	Bus City	Js Sta	Bus Zip	Bus Phone
82 CONSTRUCTION LLC	PO BOX 542	DEERFIELD	NH	03037	6034900438
A & L HOME SOLUTIONS	42 BUTTERSHILL TERRACE	WINTHROP	ME	04364	2076200124
ABATEMENT PROFESSIONALS CORP	590 COUNTY RD, SUITE 2	WESTBROOK	ME	04092	2077731276
BAGALA WOOD & WINDOW WORKS	677 MAIN ST.	WESTBROOK	ME	04092	2078879231
BANGOR ABATEMENT, INC	PO BOX 248	HAMPDEN	ME	04444	2073077903
BATCHELDER CONSTRUCTION	77 PLEASANT ST.	PASSADUMKEAG	ME	04475	2079911582
CASCO BAY ABATEMENT	PO BOX 18	CLIFF ISLAND	ME	04019	2078359692
COASTAL LEAD ABATEMENT	404 SOUTH SHORE DRIVE	OWLS HEAD	ME	04854	2075932363
D.B. MILLS CONSTRUCTION	593 A NORTH CHESTER ROAD	CHESTER	ME	04457	7012640696
DATO BUILDERS	88 ERVIN ROAD	CORINNA	ME	04928	2073555522
DORR ROOFING	511 CENTRAL ST.	BUCKSPORT	ME	04416	2079746925
EFFECTIVE HOME SOLUTIONS, INC.	154 BRIARWOOD DRIVE	BANGOR	ME	04401	2073562320
ENVIROVANTAGE, INC.	629 CALEF HIGHWAY	EPPING	NH	03042	6036799682
GARMOUR MULTIFAMILY LLC	1027 MILTON MILLS ROAD	ACTON	ME	04001	2074323393
HAMEL HOMES	7 GROVE ST.	MILFORD	ME	04461	2078272177
HUNTINGTON'S LA	279 CUSHMAN ROAD	WINSLOW	ME	04901	2078736589
INVESTMENT PROPERTIES, LLC	474 FORT HILL ROAD	GORHAM	ME	04038	2072105667
JMS LLC	129 INDIAN REST ROAD	HARPSWELL	ME	04079	2075043382
JOSEPH WYMAN	PO BOX 442	SKOWHEGAN	ME	04976	2073998887
KEVIN BOUTIN BUILDERS, LLC	47 OLD PUMP ROAD	LYMAN	ME	04002	2072843579
LESSARD BROS. CONSTRUCTION, INC.	140 MAIN ST.	GREENE	ME	04236	2075764330
LIGHTHOUSE PAINTING, INC.	98 SAWYER ST.	SOUTH PORTLAND	ME	04106	2076154756
NASON'S PAINTING	989 NORTH ROAD	N. YARMOUTH	ME	04097	2079395515
NATURAL HOME SOLUTIONS	14 NORTH ST. #2	AUGUSTA	ME	04330	2072423793
RAY CORPORATION	571 SABATTUS ST. SUITE 1	LEWISTON	ME	04240	2075762517
RED BARN CONSTRUCTION	PO BOX 199	NORRIDGEWOCK	ME	04957	2074310873
RENOVATE RIGHT CONSTRUCTION LLC	107 EASTERN DRIVE	WALES	ME	04280	2078440097
SAFE ENVIRONMENTAL SOLUTIONS, INC.	346 SOUTH STREET, BLDG 2	GORHAM	ME	04038	2076153694
SAVAGE ABATEMENT CO.	PO BOX 405	BINGHAM	ME	04920	2074741366
TRAVIS KEARNEY	PO BOX 1191	MARS HILL	ME	04758	2072271385
Revised 6/4/18					



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel.: (207) 287-8016; Fax: (207) 287-9058
TTY Users: Dial 711 (Maine Relay)

Mike Roy
70 Broad St.
Auburn, ME 04210

Notice of Environmental Lead Hazards and Order to Correct

AUTHORITY: LEAD POISONING CONTROL ACT MSRA Title 22, Chapter 252,
§1321

CASE ID: 14-010

DWELLING LOCATION: 137 Oxford St., Apt. 10 Lewiston

DATE OF NOTICE: July 22, 2014

Dear Mr. Roy

This letter is to inform you of the results of the Environmental Lead Investigation performed on 6/5/14 for the rental property listed above. Please review the report and call me at (207) 287-8141 to discuss how to proceed.

The enclosed report gives information on the lead hazards identified. The lead hazards found were:

- Lead paint in poor condition
- Lead dust

The Lead Poisoning Control Act requires the property owner to have the lead hazards abated within thirty (30) days of receipt of this notice. This work must be done by a licensed lead abatement contractor. Attached is a list of all the licensed lead abatement contractors in the State of Maine. No other contractors are qualified to do this work. If the work cannot be finished in 30 days, you may ask for more time. Mail us your written request and tell us what has been done so far. For information about what you

EXHIBIT

I

must do under Maine State law, read the enclosed "Environmental Lead Hazard Advisory".

You are required to relocate your tenants to another apartment that passes inspection for being lead-safe. Our inspector evaluated 135 Oxford St. Apt. 4 and found hazards there as well, so that apartment will not be a safe relocation apartment. The new apartment is to be of similar size and location. It may be an apartment you own or one owned by a different landlord. You will be responsible for the costs of relocating the tenants, such as:

- Rental of a moving van or u-haul
- Cost of reestablishing utilities
- Security deposit and last month's rent, if required
- The difference in monthly rent if the new apartment is more expensive- this would be ongoing until the abatement of your apartment is completed.

If the dwelling becomes vacant you may not re-rent this property until we at the Childhood Lead Poisoning Prevention Program certify that the lead hazards have been corrected. If you sell the property before completing the work, you must notify potential buyers of these hazards. The prospective buyers must know that they will become responsible for any corrections that you have not completed. Failure to provide this information is a violation of state and federal law and may result in fines.

Mike Roy
22 July 2014
Page 2

It is necessary for the other units in the building to be inspected for lead hazards as well. A lead risk assessor from Community Concepts will contact you to gain access to these units for testing purposes. Please cooperate with him to accomplish the testing by August 31, 2014.

Again, please call me to discuss these requirements.

Sincerely,



Eric Frohberg, Manager
Maine Childhood Lead Poisoning Prevention Program
286 Water St, SHS # 11
Augusta, ME 04333-0011
207 287-8141
eric.frohberg@maine.gov

Encl.: Lead-Based Paint Environmental Investigation Report
Lead Abatement Contractor Listing
Environmental Lead Hazard Advisory

Cc Sandy Moody, Dept of Environmental Protection

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT: Resolve, Amending Master Policy 23, Personnel Procedures

INFORMATION:

Over the past year, staff has been involved in reviewing and revising the City's Personnel Rules and Regulations to ensure that they are in compliance with current state and federal rules and regulations and to pull them all together into one single document. That process is now complete.

The City also currently has a master policy that sets out the procedures to be followed on personnel issues such as: hiring, reporting accidents and injuries, discipline, and other issues. This policy has now been revised to reflect the changes made in our overall personnel policies as well as to update the procedures to reflect changes in state and federal legislation and regulations.

We recommend that the Council approve this revised master policy.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EPB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Amending Master Policy 23, Personnel Procedures



CITY OF LEWISTON, MAINE

October 15, 2019

COUNCIL RESOLVE

Resolve, Amending Master Policy 23, Personnel Procedures.

Whereas, the City Council recently adopted updated personnel rules and regulations for the City to ensure compliance with state and federal regulations and to bring together in one document a number of previously separate policies; and

Whereas, the City also has a policy governing personnel procedures to be followed in such areas as hiring, reporting accidents and injuries, and discipline; and

Whereas, given the revisions to the City's personnel rules and changes in state and federal regulations, it is also necessary that our procedures be updated and modernized;

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

City Master Policy 23, Personnel Procedures, is hereby repealed in its entirety and replaced with the attached.

PERSONNEL PROCEDURES POLICY

INTRODUCTION

The purpose of these Personnel Procedures is to establish a uniform system for the recruitment, selection and appointment of municipal employees and to employ the most qualified candidates giving due consideration to the City's Affirmative Action Plan, various labor agreements and other hiring policies outlined in the Code of Ordinances, Chapter 2, Article IV, Division 1. The following procedures shall be utilized by all City Departments in filling all vacancies:

HIRING PROCEDURE - New Hires, Promotions, Demotions or Transfers

1. Submit a Personnel Requisition form and current job description to Human Resources, providing there is a bona fide vacancy.
 - a. Human Resources shall post job openings for ten (10) working days, or as otherwise indicated by a labor agreement, and notify Job Services or the like, area social service agencies and, depending on the position, advertise in selected publications.
 - b. Applications received shall then be forwarded to the requesting department. (Uniformed Police and Firefighter vacancies shall be filled in accordance to these same procedures but not inconsistent with the Civil Service Commission Ordinance, Chapter 2, Article IV, Division 3).
2. Screening, selecting and appointing of prospective employees
 - a. Department Heads or designees shall screen and select candidates based upon objective criteria and in accordance to all applicable hiring policies (Affirmative Action Plan, applicable labor agreements and Code of Ordinances).

NOTE: The City Administrator and/or Human Resources Director shall be involved in interviewing for all Department Head positions and other key positions.

- b. All applications and the department's preference shall be submitted to the Human Resources Department on the City's Conditional Offer form for approval. (Civil Service positions shall also be submitted to the City Administrator.)
- c. The selected candidate will complete the City's Background Check Consent Form. All employees will require a pre-employment background check and drug test. Public Safety and Public Works employees may require a pre-employment physical and other pre-employment testing.

NOTE: Employees may not be scheduled for work until all clearances have been received by Human Resources.

PERSONNEL PROCEDURES POLICY

2

- d. Upon approval, Human Resources working with the respective department will establish a start date with the candidate, finalize all hiring conditions including salary, and schedule the new hire's employee orientation. All unsuccessful candidates who were interviewed shall be notified by the interviewing department of the City's decision.
 - e. The hiring department shall submit a Change of Status form prior to the commencement of the next scheduled payroll.
 - f. On the first day of employment, all new employees shall meet with Human Resources for orientation and to complete the necessary payroll and personnel forms.
3. The hiring of temporary full-time or part-time positions shall be determined on a case-by-case basis but follow the steps outlined above.

EMPLOYEE PERFORMANCE EVALUATIONS

Probationary goals and performance evaluations should be conducted in accordance to the Employee Performance Evaluation Policy adopted by the City Council.

FRINGE BENEFITS

All inquiries concerning employee fringe benefits including insurance and retirement programs shall be referred to Human Resources.

WORKERS' COMPENSATION

Whenever an injury occurs, employees are to notify their immediate supervisor as soon as possible. Should the employee need medical care, they are to be directed to the City's 10-day medical provider, namely; Work-Med or St. Mary's Hospital Emergency Room. Due to State and Federal regulations, work-related injury/illness reporting is extremely time sensitive and the City may be fined for reporting delays.

1. Employer's First Report of Occupational Injury or Illness
 - a. Except for City Hall employees, which are reported by Human Resources, department payroll clerks are to phone-in as soon as reasonably possible the Report of Injury to CCMSI (the City's Worker's Compensation third party administrator) as well as advise Human Resources.
2. Accident Investigation Reports

PERSONNEL PROCEDURES POLICY

- a. The supervisor should complete an accident report and notify the Safety Coordinator. The accident report should be returned to Human Resources.
 - b. The employee and/or witnesses of the accidents may also be requested to complete an accident report.
3. OSHA Form
 - a. Except for City Hall employees, which are reported by Human Resources, department payroll clerks are to complete the OSHA form and return it to Human Resources with a copy of the First Report of Injury.
 4. Wage Statements and Schedule of Dependents Filing Forms
 - a. If the employee has a lost time injury, a wage statement must be completed by the department payroll clerks, except City Hall employees which are completed by Human Resources, whereby wages are reported from date of injury back one (1) year. Employees are to complete the Schedule of Dependent Filing Form. Both forms are to be submitted to CCMSI as soon as possible.

DISCIPLINE

Departments considering discipline shall refer to the appropriate collective bargaining agreement and/or Personnel Rules. All forms of discipline should be supported by written documentation denoting what level of discipline is being issued and the circumstance involved. Once executed, the documentation should be forwarded to Human Resources. All proposed disciplinary suspensions and terminations should be reviewed with the City Administrator or designee prior to issuance.

TERMINATIONS

1. Oral or written resignations shall be accepted by the respective department head. The department head should confirm oral resignations in writing with a copy to Human Resources.
2. Employees terminating for any reason shall be referred to Human Resources shortly after notice is provided and before the employee's last work day for counseling on the employee's final payout check and fringe benefits.
 - a. In the event of a layoff, Human Resources shall be notified before any final action is undertaken to determine if the employee has any seniority rights.
3. The Department Head or designee is responsible for the following: scheduling an exit

PERSONNEL PROCEDURES POLICY

interview with Administration for all permanent, full-time employees; notifying MIS to remove all employee's access rights; obtain all city-owned property including keys and fobs; and generating a Change of Status form terminating the employee with the proper effective date to Human Resources before the next schedule payroll.

CITIZENSHIP

Applicants may be asked if they are a U.S. citizen, if not, whether or not they are a legal alien. After hiring, the new employee may be asked to provide proof of citizenship or legal residency, working visa and intentions to reside permanently in U.S. An applicant may not be asked if citizenship is native born or naturalized. Country or date of citizenship, citizenship of spouse or relatives may not be asked. New employees will need to furnish documentation in compliance with completing the federally required I-9 form before starting.

NATIONAL ORIGIN

It is illegal to inquire about an applicant's national origin, or of the spouse, relatives or parents; the mother tongue of the applicant or how the applicant acquired fluency in foreign languages, and are not acceptable questions.

RELATIVES

It is legal and proper to ask for the names of the applicant's relatives already employed by the City; name and address of parents or guardian of minor applicants; name, relation and address of person to be contacted in case of emergency. It is improper to require an applicant to supply the names and addresses of other relatives and/or friends. The applicant's birth name may not be asked.

NOTE: If a new hire has a relative in a direct or indirect supervisory role, the Department Head is responsible for initiating a plan in accordance with the City's Anti-Nepotism Policy.

RELIGION

It is illegal to inquire as to the applicant's religious denominations or affiliations, personal religious beliefs or religious holidays observed.

ORGANIZATION

Questions about an applicant's membership in clubs, professional societies or other associations other than those which indicates race, color, religion, sex or national origin of members are permissible. It is illegal to require that applicants list all organizations, clubs societies and fraternal organizations to which they belong or have belonged.

PERSONNEL PROCEDURES POLICY

EDUCATION, EXPERIENCE OR CHARACTER

Academic, vocational or professional education of an applicant as well as schools attended are proper questions as well as work experience, previous employers and military experience in U.S. Armed Forces. It is illegal to inquire about arrest records, credit ratings or military service for a foreign nation.

COMMITMENTS

It is perfectly legal to ask any applicant if they can make a commitment to the job in question.

SALARY REQUIREMENTS

Beginning September 2019, it is illegal to ask applicants about their salary requirements. The position's pay range will be included in all job postings. The applicants can be asked if the range is acceptable, but the final salary should be negotiated after an employment offer is extended.

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT: Order, Authorizing Staff to Take Steps to Dispose of the Martel School and Associate Property.

INFORMATION: The Martel School at the intersection of Lisbon and East Avenue is no longer needed for educational purposes. The Lewiston School Department has released this building and property back to the City, effective on October 1st of this year. Leading up to this date, the City Council has discussed the future of this property and has received recommendations from both the Planning Board and the Finance Committee, which are attached. Among the considerations of interest to the Council are: whether the current building, in particular the older brick portion of it, will be retained; the potential for the City to retain the rear portion of the property as open recreational space (see attached map); and the purpose for which the property will be used. At the same time, the Council appears flexible on these issues, depending on the proposals submitted.

The attached Order would authorize the staff to initiate the process of disposing of this property in accordance with directions received from the Council during these various discussions. The request for proposals for reuse will include the following requirements:

1. A clear outline of the intended purpose for which the property will be used;
2. Specifying whether the existing buildings will be reused, in whole or in part or partially or fully demolished;
3. Specifying whether the proposal can be accommodated on the portion of the parcel fronting on Lisbon Street or whether the entire parcel is needed, is preferred (indicating the proposal can advance without it but would prefer it be included), or is not needed;
4. A proposed schedule for the reuse/redevelopment;
5. Supporting documentation for the financial feasibility of the project;
6. The amount to be paid to the City for the property.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kin

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order, Authorizing Staff to Take Steps to Dispose of the Martel School and Associate Property.



COUNCIL ORDER

Order, Authorizing Staff to Take Steps to Dispose of the Martel School and Associate Property.

Whereas, the Martel School property is no longer required for educational purposes; and

Whereas, the Lewiston School Department has released this property back to the City; and

Whereas, recommendations have been solicited and received from both the Planning Board and the Finance Committee regarding the potential disposition of this property; and

Whereas, the Council has indicated its interest in soliciting proposals for reuse of this property while also identifying issues of potential interest to the Council regarding such issues as the future of the buildings and the possibility of retaining a portion of the property for open space and recreational purposes;

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

City staff is hereby authorized to issue a request for proposal for the sale and reuse of the Martel School building and property subject to the request for proposals including the following requirements:

1. A clear outline of the intended purpose for which the property will be used;
2. Specifying whether the existing buildings will be reused, in whole or in part, or partially or fully demolished;
3. Specifying whether the proposal can be accommodated on the portion of the parcel fronting on Lisbon Street or whether the entire parcel is needed, is preferred (indicating the proposal can advance without it but would prefer it be included), or is not needed;
4. A proposed schedule for the reuse/redevelopment;
5. Supporting documentation for the financial feasibility of the project;
6. The amount to be paid to the City for the property.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor Cloutier and Lewiston City Council
FROM: Douglas Greene, AICP; Deputy Director/City Planner
DATE: September 17, 2019
RE: Planning Board Action

The Planning Board took the following action at their meeting held on August 12, 2019 regarding a recommendation on the disposition of Martell Elementary School located at 860 Lisbon Street.

The following motion was made:

MOTION: by **Benjamin Martin** 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 disposition of 860 Lisbon Street. The motion included the following recommendations:

- 1) Consider using a portion of the property for a new fire station;
- 2) Consider preserving the school's open space and playground for a future neighborhood park;
- 3) Given the surrounding land uses and the amount of nearby vacant commercial space, the Planning Board was reluctant to make a recommendation to initiate a zone change that would create more commercially zoned land;
- 4) The City Council should consider the costs of maintenance and condition of the school.

Second by **Normand Anctil**.

VOTED: 5-0 (Passed)

The following summary of the Finance Committee recommendation on Martel School was prepared by City Purchasing Agent, Allen Ward:

Recommended to the City Council disposition of the Martel School with the following Considerations

1. Consider preserving the school's open space and playground for a future neighborhood park
2. Given the surrounding land uses and the amount of nearby vacant commercial space, the Planning Board was reluctant to make a recommendation to initiate a zone change that would create more commercially zoned land
3. The City Council should consider the costs of maintenance and condition of the school
4. Consideration for hiring a Commercial Property Appraiser to determine best value and future use of the property
5. Consideration for any potential reverter clause language that might be on the property with Franklin Trust.

Regarding Condition #6, a preliminary review by Lincoln following the meeting suggests that Franklin has no reverter language covering Martel School location.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council

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

DATE: October 9, 2019

RE: Martel School Disposition

To help in the evaluation to dispose of Martel School, Staff has broken down the property into three areas to help the City Council with their decision. Based on comments from the Planning Board, Finance Committee and City Council, the attached map divides the property into the following areas and includes the approximate size of each:

- 1.) Martel School Building area (82,151 sf. or 1.88 ac.),
- 2.) Open Space total area* (57,945 sf. or 1.33 ac.)
 - a) Usable Open Space area (51,197 sf. or 1.17 ac.)
 - b) Shaw's Entrance Area (6,748 sf. or .15 ac.)

*- City records show the Martel School property extends into the entrance area of the Shaw's Shopping Center. (See attached map)

The property is located at 860 Lisbon Street, is 3.21 total acres in size (139,827 sf.), and is zoned Office Residential (OR) district. The permitted uses in the OR district are listed on attachment 2, Office Residential Land Use Chart.

Martel School Disposition

Breakout of Building Lot, Open Space and Shaw's Entrance Areas

Martel School Shaw's Entrance Area 6,748 sf.

Martel School Open Space Area 57,945 sf. Total 51,197 sf. minus Shaw's Entrance

Martel School Building Lot Area 82,151 sf.

Contract Zoning CB

Contract Zoning CB

Zoning: CB

Zoning: OR

Zoning: NCA

Zoning: CB

O'Connell St.

Attachment 1

Contract Zoning HB

Attachment 2
Martel School Disposition
Office Residential (OR) Land Use Chart

Land Use Table: Office Residential Zoning District 10.08.19	Office Residential (OR)
USES(15)(33)	
Accessory use or structure	P
Commercial-Service	
Veterinary facilities excluding kennels and humane societies	P
Veterinary facilities including kennels and humane societies	
Nursery School	
Small day care facilities	P
Day care centers	P
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P(9)
Restaurants	
Drinking places	
Adult business establishments	
Hotels, motels, inns	
Movie theaters except drive-in theaters	
Places of indoor assembly, amusement or culture	
Art and crafts studios	
Personal Services	P
Retail stores	
Neighborhood retail stores	
Lumber and building materials dealer	
Gasoline service stations	
Gasoline service stations which are a part of and subordinate to a retail use	
New and used car dealers	
Recreational vehicle, mobile home dealers	
Equipment dealers and equipment repair	
Automotive services including repair	
Registered dispensary(27)	
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.	
Tattoo Establishments	
Industrial	
Light industrial uses	
Industrial uses	
Building and construction contractors	
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and self-storage facilities	
Self storage facilities	
Commercial solid waste disposal facilities	
Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments(23)	
Transportation	
Airports or heliports	
Commercial parking facilities	
Transit and ground transportation facilities	
Transportation facilities	
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
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C
Municipal buildings and facilities	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways	
Dams	

**Martel School Disposition
Office Residential (OR) Land Use Chart**

Land Use Table: All Zoning Districts 10.08.19	Office Residential (OR)
Institutional	
Religious facilities	P
Cemeteries	
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	P
Hospitals, medical clinics, Museums, libraries, and non-profit art galleries and theaters	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 structures,	C
Civic and social organizations	P
Public community meeting and civic function buildings including auditoriums	
Residential	
Single-family detached dwellings on individual residential lots	P
Mobile homes on individual residential lots	
Two-family dwellings	P
Multifamily dwellings in accordance with the standards of Article XIII	P
Single-Family attached dwelling in accordance with the standards of Article XIII	P
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	P
Mixed use structures	P
Lodging houses	
Home occupations	P
Bed and breakfast establishments as a home occupation	P
In-law apartments in accordance with the standards of Article XII	P
Single family cluster development	
Family day care home	P
Shelters	
Dormitories	
Natural Resource	
Agriculture	
Farm Stands	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P
Earth material removal	
Community gardens(20)	P
Water dependent uses, e.g. docks and marinas	
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	
Public or private facilities for nonintensive outdoor recreation	C
Commercial outdoor recreation and drive-in theaters	
Fitness and recreational sports centers as listed under NAICS Code 713940	P

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 18

SUBJECT: Order, Authorizing the City Administrator to Enter into an Agreement to Convey to LA Community Housing the Properties Located at 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St.

INFORMATION:

In 2018, the City of Lewiston was one of three communities that received combined Choice Neighborhood planning and implementation grant along with the cities of Los Angeles and Philadelphia. The City Council recently adopted the Choice Neighborhood Transformation Plan that was developed over the past 18 months through city staff and our grantee partner Community Concepts, working with a large number of stakeholders and residents of the city and the targeted Tree Street neighborhood. A key element of this plan is the redevelopment of two strategic replacement sites for new multi-family mixed income housing and homeownership. A number of city-owned parcels are included within the replacement/redevelopment sites with LA Community Housing having recently acquired other adjacent ones. Transferring the ownership of these city lots to LA Community Housing will provide the necessary contiguous land area for these projects to move forward as funding becomes available.

Redevelopment of these sites will create new and safe housing consistent with the City's comprehensive plan and the Choice Neighborhood transformation plan. LA Community Housing is committed to leading the redevelopment effort on these sites. Should LA Community Housing or its partners be unable to make sufficient progress in redevelopment within seven years, the properties will revert back to city ownership.

Please see the attached memo from Misty Parker of our Economic Development Department for more information, including summaries of the recommendation from the Planning Board to approve this donation by a vote of 4-1 and from the Finance Committee, where the vote to approve the donation failed 2-3. Those opposing the donation indicated a preference to offer them for sale.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

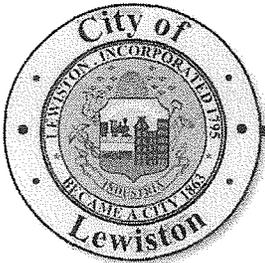
The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the **Order**, Authorizing the City Administrator to Enter into an Agreement to Convey to LA Community Housing the Properties Located at 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St.



COUNCIL ORDER

Order, Authorizing the City Administrator to Enter into an Agreement to Convey to LA Community Housing the Properties Located at 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St.

Whereas, LA Community Housing, a development corporation of Community Concepts, Inc. and Community Concepts, Inc. are partners with of the City in developing a transformation plan for the residential neighborhood adjacent to downtown Lewiston through the Department of Housing and Urban Development's Choice Neighborhood program; and

Whereas, the transformation plan identifies two strategic replacement sites for targeted redevelopment and a site for homeownership development; and

Whereas, the Lewiston Planning Board reviewed for recommendation the request to convey these properties at their meeting on August 12, 2019; and

Whereas, the Lewiston Finance Committee reviewed for recommendation the request to convey these properties at their meeting on August 26, 2019; and

Whereas, LA Community Housing and its partners are committed to redeveloping the replacement housing outlined in the Choice Neighborhood Transformation Plan titled Growing Our Tree Streets; and

Whereas, the City owns vacant parcels at 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St identified as replacement and homeownership sites in the Transformation Plan; and

Whereas, redevelopment of these sites would create new and safe housing consistent with the Comprehensive Plan and Transformation Plan; and

Whereas, the redevelopment of these properties would bring the parcels back onto the tax roll; and

Whereas, should LA Community Housing or its partners be unable to make sufficient progress in the redevelopment of these sites within seven years, the properties will revert back to City ownership;

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

The City Administrator is authorized to enter into an agreement with LA Community Housing to convey by donation the properties located at 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St in order to support and advance the redevelopment plan outlined in the Choice Neighborhood Transformation Plan; and to execute a Declaration of Affordable Housing

[Type text]

Covenant, which would allow the reversion of the real estate back to the City if sufficient progress is not made on redeveloping the parcels as outlined in the Choice Neighborhood Plan.

Economic and Community Development

Misty Parker

Economic Development Manager



To: Honorable Mayor and Members of the City Council
From: Misty Parker
RE: Property Disposition
Date: August 25, 2019

The Choice Neighborhood program leverages significant public and private dollars to support locally driven strategies that address struggling neighborhoods with distressed public or HUD-assisted housing through a comprehensive approach to neighborhood transformation. Lewiston's Choice Neighborhood grant application and subsequent planning process has been centered on Maple Knoll, a functionally obsolete and failing 41 unit HUD assisted housing project. The Choice Neighborhood Transformation Plan presents a recommendation for how to utilize the redevelopment of Maple Knoll to strategically jump start the housing market in this neighborhood in a way that will catalyze and attract private investment to continue the redevelopment work.

LA Community Housing (LACH), a development corporation of Community Concepts, Inc., has purchased replacement sites identified by the market analyst that will have a strategic impact to catalyze private investment in the neighborhood. Partners have financed \$1.1 million to date toward acquisition of the two replacement sites. They are committed to redevelopment in alignment with the transformation plan for these sites.

The City owns several vacant lots key to the redevelopment sites of Maple Knoll. Enclosed with this memo is a site map for the redevelopment of replacement site 2 and an outline of the City owned properties within this replacement site. These vacant parcels include: 91 Pine St, 111 Bartlett St, and 114 Bartlett St. In addition to these three parcels, the transfer of a vacant parcel at 320 Bates St is also requested. This parcel is located adjacent to Maple Knoll. Once both replacement sites on Pine Street are redeveloped and all residents of Maple Knoll are relocated to their new homes, the existing Maple Knoll building will be demolished and new townhomes will be constructed for homeownership opportunities. City owned 320 Bates St will be needed to ensure enough land is available to accommodate 13 new townhomes with the required parking and yard space.

Parcel information:

91 Pine St
Zoning: Downtown Residential
Parcel size: 0.04 acres
Assessed value: \$10,560
Current use: Vacant parcel
Former use: Residential, three unit building
demolished in 2014



111 Bartlett St
Zoning: Downtown Residential
Parcel size: 0.11 acres
Assessed value: \$19,130
Current use: Vacant parcel
Former use: Residential, three unit building
demolished in 2003



114 Bartlett St
Zoning: Downtown Residential
Parcel size: 0.23 acres
Assessed value: \$22,000
Current use: Vacant parcel
Former use: Residential, eight unit building
demolished in 2013



320 Bates St
Zoning: Downtown Residential
Parcel size: 0.22 acres
Assessed value: \$29,280
Current use: Vacant parcel
Former use: Residential, eight unit building
demolished in 2013



LA Community Housing is asking the City to convey by donation the properties located at 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St in order to support and advance the redevelopment plan outlined in the Choice Neighborhood Transformation Plan. Should LA Community Housing or its partners be unable to make sufficient progress in the redevelopment of these sites within seven years, the properties will revert back to City ownership. The

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TTY/TDD 207-513-3009 • Email: mparker@lewistonmaine.gov

City Web Page: www.lewistonmaine.gov

Planning Board reviewed this request on August 12, 2019 and provided a favorable recommendation by a vote of 4-1. The Finance Committee reviewed this request on August 26, 2019, but tabled a decision until more specific language could be developed around the reverter clause. Staff worked with Brann and Isaacson and LACH to develop acceptable reverter language that would:

1. Require a minimum number of units to be developed on the donated lots that varies by lot.
2. Planning Board approval of development plans on the parcels
3. Construction financing for the approved project
4. A commitment for permanent financing for the project.
5. At least 50% of the units developed on the sites will be intended for low to moderate income households as defined by HUD.
6. The reverter clause would take effect 7 years after land transfer for 91 Pine, 111 Bartlett and 114 Bartlett. The reverter clause would take effect 10 year after conveyance for 320 Bates. Street. The reason for the longer time frame on 320 Bates Street is that it is related to the redevelopment of Maple Knoll.

At their September 9th meeting the Finance Committee sent a negative recommendation on the requested land donation by a vote of 3 -2. The majority of the committee thought the land should be sold, not donated, and that the land should be marketed to a broader group.

Attached is a *Declaration of Affordable Housing Covenant* that would be executed at the time of conveyance of the parcels. The Covenant would be recorded at the Registry of Deeds. It provides a mechanism by which the City can retake ownership of the parcels after 7 years if the Choice redevelopment plan envisioned does not come to fruition.

Staff recommend approval of the proposed donation of these parcels to LA Community Housing.

DECLARATION OF AFFORDABLE HOUSING COVENANT

This DECLARATION OF AFFORDABLE HOUSING COVENANT (“Covenant”) is made on _____, 2019, by the **CITY OF LEWISTON**, a body corporate and politic established under the laws of the State of Maine with an office at 27 Pine Street in Lewiston, Maine 04240 (“City”).

BACKGROUND

The City is the owner in fee simple of certain property described in instruments recorded in the Androscoggin County Registry of Deeds in **Book ____**, **Page ____**, **Book ____**, **Page ____**, **Book ____**, **Page ____**, **Book ____**, **Page ____** and **Book ____**, **Page ____** (“Properties”), and intends to restrict the use of the Property to affordable housing as described in this Covenant.

The City declares as follows:

1. Affordable Housing. The following covenants shall run with the land, and shall be binding in perpetuity on the Properties and on the City’s successors and assigns:
 - (a) The Properties are to be used for the sole purpose of redevelopment of the Properties and neighboring parcels as envisioned for Site 2 in the Choice Neighborhood Planning document (“Plan”) adopted by the City Council (“Council”). A summary of the Plan is attached hereto as Exhibit A and is incorporated herein by reference; the full Plan is on file at the ____ office of the City. The Plan includes the redevelopment of approximately 64 units of mixed income housing located on portions of four blocks in the vicinity of Pine, Walnut, Pierce and Bartlett Streets in Lewiston, and of approximately 12 units for homeownership on the assembled sites of 78 Maple Street and 320 and 326 Bates Street in Lewiston.
 - (b) In the event the Council determines that the developer has made sufficient progress towards completion of the Plan’s goals before expiration of the seven year period set forth in Section 1(c), as it may be so extended, the Council shall upon request of the developer cause to be recorded at the Androscoggin County Registry of Deeds a termination of the right of reversion provided for in Section 2. The covenants set forth in Section 1(a) shall continue nonetheless, but the City’s sole remedy for breach after release of the right of reversion shall be an action at law or in equity for damages or specific performance.
 - (c) Seven years after the recording of a deed of conveyance of the Properties to a party other than the City, the Council shall determine, in its sole but reasonable discretion, whether the developer has made sufficient progress toward completion of the Plan’s goals, The factors to be considered by the Council shall include whether: a Choice Neighborhood Implementation Grant has been received; whether plans for redevelopment of the Properties and neighboring parcels have been approved by the City Planning Board, and whether construction financing has been received.

2. Enforcement. This Covenant shall be enforceable by the City. If the Council determines that the developer has not made sufficient progress towards completion of the Plan's goals at the conclusion of such seven year period, unless the Council extends the time for performance, the City shall give written notice to the developer, and the developer shall have **90** days after receipt of such written notice in which to satisfy the Council as to the developer's progress towards meeting such goals. If the developer fails to demonstrate to the Council's satisfaction progress towards such goals within said **90** day period, title to the Properties shall revert to the City, free of all encumbrances and to the terms of all mortgages and other financing documents then of record. An amendment to this Covenant will be recorded if the Council decides to extend the time for performance.

3. Notice upon Conveyance. Each instrument which conveys an interest in the Properties, including deeds and mortgages, shall contain a reference to this Covenant and an acknowledgement by the grantee that the Covenant is a restriction on real property and is binding upon the grantee, its successors and assigns.

CITY OF LEWISTON

By: _____
Edward A. Barrett, City Administrator

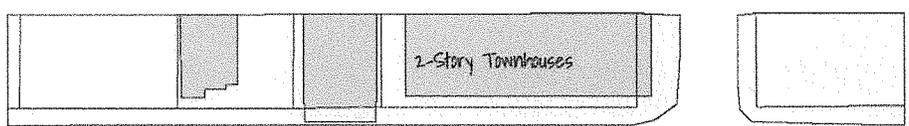
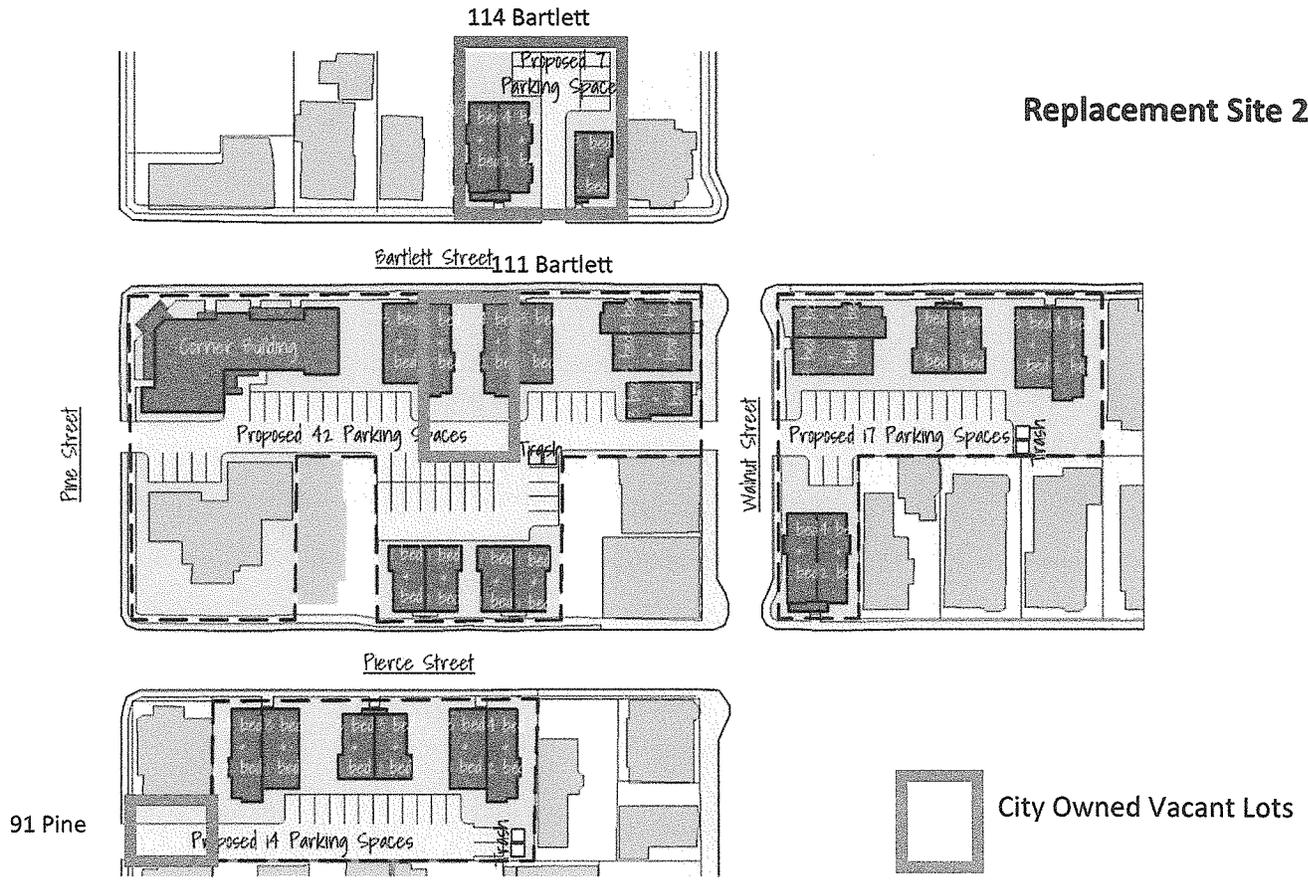
STATE OF MAINE
ANDROSCOGGIN COUNTY

The above-named Edward A. Barrett personally appeared before me on _____, 2019, in his capacity as City Administrator of the City of Lewiston and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Lewiston.

Before me,

Notary Public/Maine Attorney at Law
Print Name:
My commission expires:

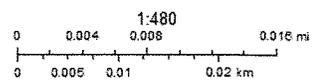
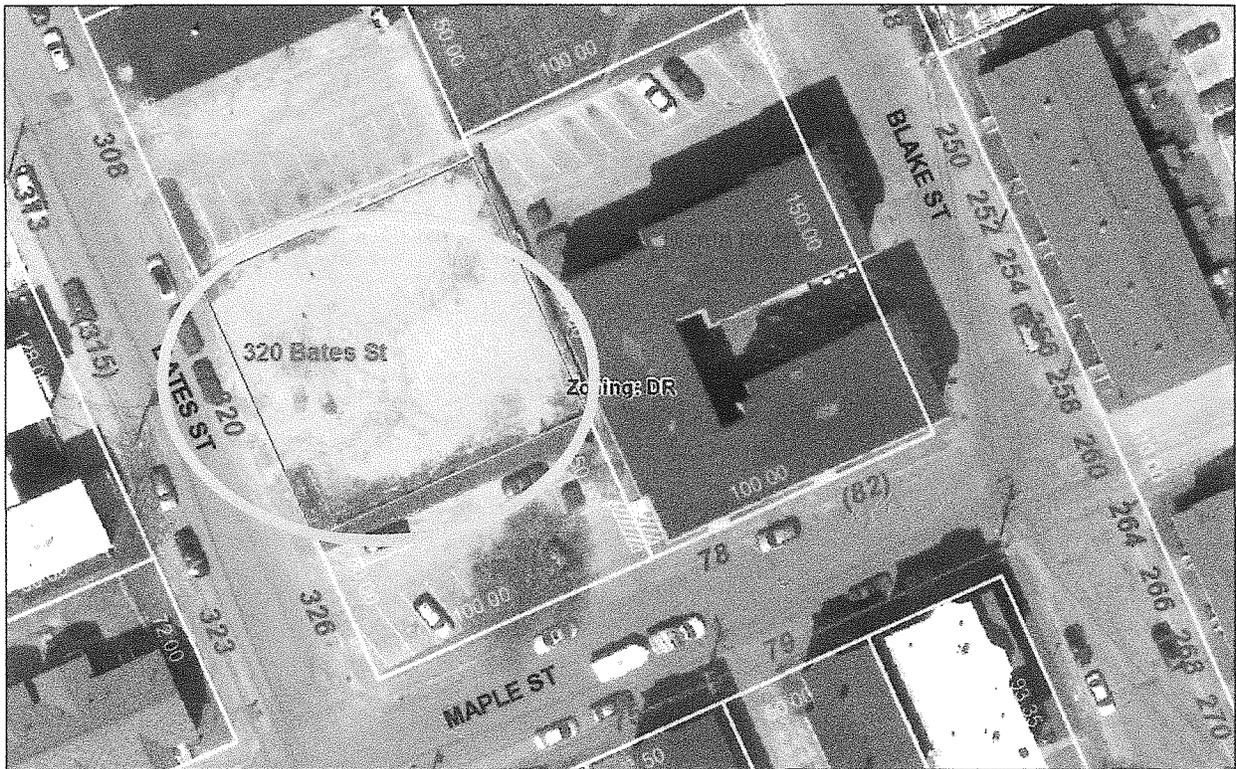
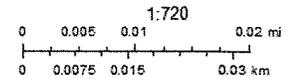
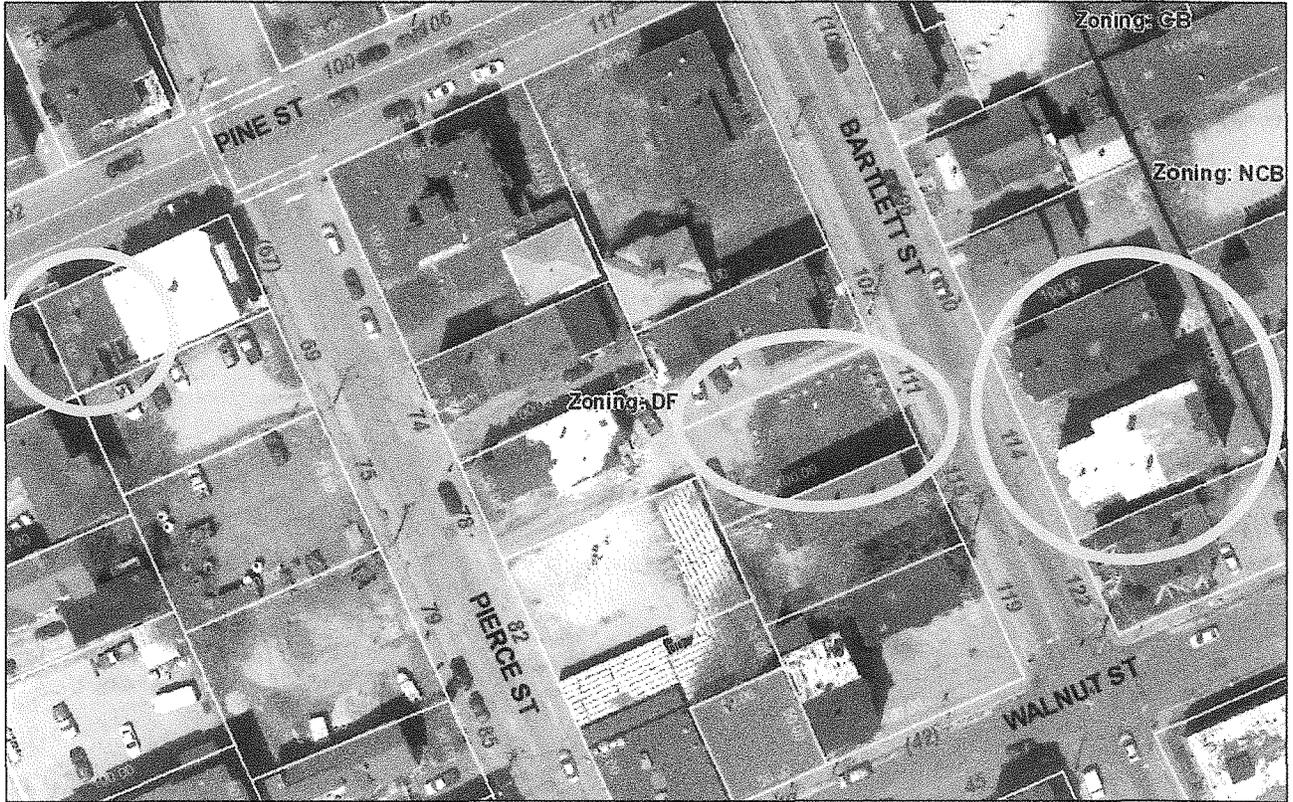
Replacement Site 2

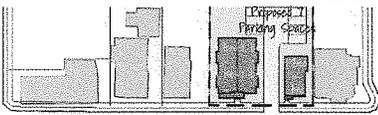


Homeownership Site

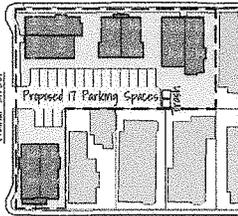
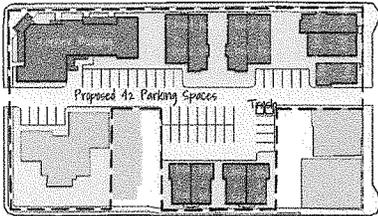


91 Pine St, 111 Bartlett St, 114 Bartlett St

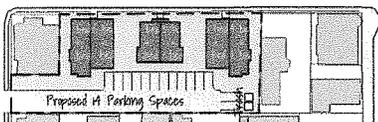




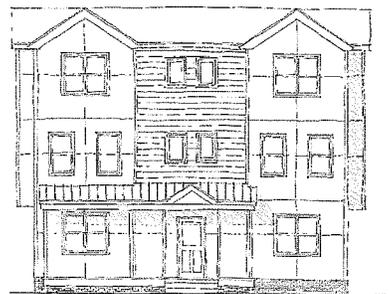
Barkett Street



Wabash Street



Pierce Street



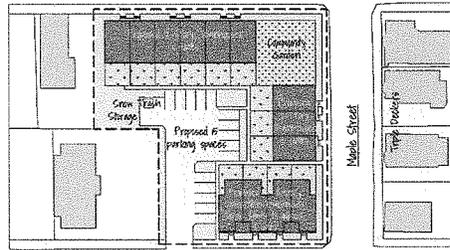
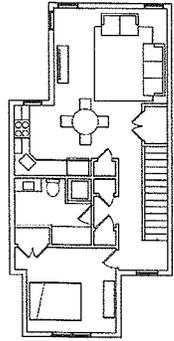
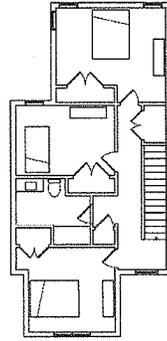
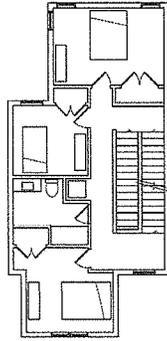
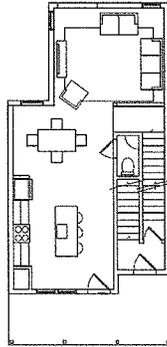
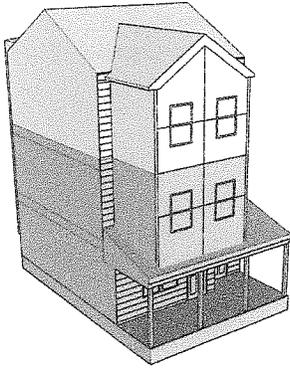


Type F: For sale or rent-to-own townhouse or duplex

3 Bedroom Home + 1 Bedroom Apartment

1st: Kitchen, Dining, Living, 1/2 Bath, Porch
 2nd: 3 Bedrooms, 1 Full Bath, Laundry

3rd: 1 Bedroom, 1 Bath Apartment

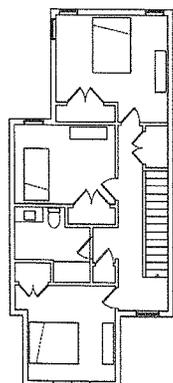
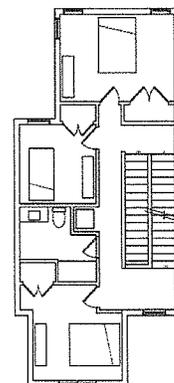
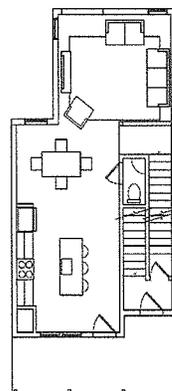
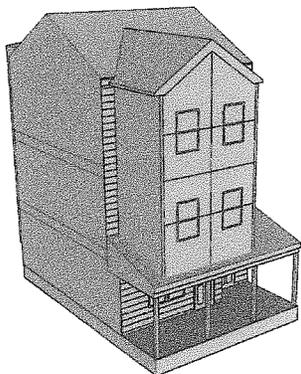


Type F: For sale or rent-to-own townhouse or duplex



6 Bedroom House

1st: Kitchen, Dining, Living, 1/2 Bath, Porch
 2nd: 3 Bedrooms, 1 Full Bath, Laundry
 3rd: 3 Bedrooms, 1 Full Bath



and all the opportunity she believes it will bring. Rachel Nadeau of 56 Robinson Gardens and Bob Roderick of 3 Donnelly Street both spoke in opposition. MJ Langley of 411 Pond Road spoke in detail about Nursery Schools and Daycares of which she stated she has owned both. She spoke in opposition.

Lucy Bisson closed the public session.

Normand Anctil stated that while he can understand some resident's opposition, he feels that a daycare can be a good thing to have in a neighborhood. Sandra Marquis also feels that a daycare can be an asset to a neighborhood. Kristine Kittridge stated that she believes daycares are an amenity to neighborhoods as young families who become residents need childcare. Benjamin Martin spoke in opposition of the amendment and feels that daycares can be a disturbance to the surrounding neighbors. Lucy Bisson stated that in her opinion the amount of traffic generated by daycares in low density neighborhoods could be troublesome.

The following motion was made:

MOTION: by Normand Anctil 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 include Low Density Residential (LDR), Medium Density Residential (MDR) and Suburban Residential (SR) districts to the definition of Nursery Schools and to Article XI, District Regulations, Section 22, Land Use Table to remove note (22) from the same zoning districts for the Nursery School land use category. Second by Kristine Kittridge.

VOTED: 3-2 (Failed. Benjamin Martin and Lucy Bisson Opposed)



V.

OTHER BUSINESS:

- a. Request for the Planning Board to make a recommendation regarding the disposition of 320 Bates Street, 91 Pine Street, 111 Bartlett Street and 114 Bartlett Street.

Misty Parker, Economic Development Manager reviewed the request and welcomed any questions from the Board. Sandra Marquis inquired what would happen if the developers did not develop the property within the allotted seven year time frame and Misty Parker stated in that case the property would revert back to the City. Benjamin Martin questioned if the properties had been listed at all on the free market to which Misty Parker responded that the properties were all tax acquired over the past several years and that she does not believe they were marketed. Lucy Bisson stated that while she is not in favor of giving away property she does feel this would be a good use for them.

Lucy Bisson opened the discussion to the public.

Michael Marcotte of 12 O'Connell Street and City Councilor of Ward 7 spoke in opposition to the request. Shanna Cox of 119 Ash Street spoke in favor of the request. Lucy Bisson Closed the public session.

Normand Ancil questioned if the completed projects would generate tax revenue. Misty Parker stated that at this time the project is in the infancy stage and therefore it would be premature to assume anything with regards to future tax revenue. Benjamin Martin stated that he believes the properties are being given away before any attempt has been made to actually sell them and therefore he is in opposition. Misty Parker spoke in detail of the process used with regards to vacant lots within the City and also the benefit of partnering for the greater good within the City. Lucy Bisson spoke in opposition. Lincoln Jeffers, Director of Community Development stated that other projects such as the one proposed have generated tax revenue for the City. Kristine Kittridge spoke in favor.

The following motions was made:

MOTION: by Normand Ancil 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 disposition of 91 Pine Street (including, if any, specific conditions raised by the Planning Board). Second by Sandra Marquis.

VOTED: 4-1 (Passed. Benjamin Martin Opposed)

MOTION: by Sandra Marquis 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 disposition of 111 Bartlett Street (including, if any, specific conditions raised by the Planning Board). Second by Kristine Kittridge.

VOTED: 4-1 (Passed. Benjamin Martin Opposed)

MOTION: by Kristine Kittridge 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 disposition of 114 Bartlett Street (including, if any, specific conditions raised by the Planning Board). Second by Sandra Marquis.

VOTED: 4-1 (Passed. Benjamin Martin Opposed)

MOTION: by Benjamin Martin pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send an unfavorable recommendation to the City Council for the disposition of 320 Bates Street (including, if any, specific conditions raised by the Planning Board). Second by Normand Ancil.

VOTED: 1-4 (Failed. Benjamin Martin in favor)

Chair Lucy Bisson called for a 2 minute break.

Finance Committee Recommendation on Disposition of 91 Pine, 320 Bartlett, 11 Bartlett, and 114 Bartlett:

At the meeting of September 9, 2019.

The Finance Committee rejected Economic Development's request that they:

recommend that the City Council approve the donation the properties located at 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St to LA Community Housing. Should LA Community Housing or its partners be unable to make sufficient progress in the redevelopment of these sites within seven years as summarized, the properties will revert back to City ownership.

Vote 117-2019

Motion failed by a vote of 2 to 3, with Lysen and Shaw in the minority.

The majority of the committee were opposed to the Choice Neighborhood donation of City-Owned Vacant Parcels compared to offering them for sale

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 19

SUBJECT: Order, Authorizing the Use of \$19,000 from the FY2019 Salary Reserve Account to Fund the Fire Department Management Study to Include the Emergency Medical Services Alternate.

INFORMATION: During the FY 20 budget process, management requested and the City Council provided \$50,000 for a management study of the Lewiston Fire Department. A request for proposals was subsequently issued that included, as an alternate, a more detailed analysis of the current and possible future emergency medical services the department should and/or could undertake. Proposals were received from five firms and reviewed by a selection panel composed of Finance Committee Chair Denis Theriault, City Administrator Ed Barrett, City Councilors Mike Marcotte and Mike Lajoie, LA 911 Director Paul LeClair, and Fire Captain Paul Fournier. The Committee interviewed representative of four of these firms and recommended the contract be awarded to the Center for Public Safety Management. Subsequent to the selection, the price proposal from the firm was opened. The price quoted for the base study was \$52,500 plus \$6,000 in direct travel expenses. The alternate price for the EMS study was \$19,000. The Committee recommended award of the base contract to CPSM in the amount of \$50,000 and that the alternate EMS portion also be awarded subject to Council funding.

The selection committee felt strongly that the EMS alternate portion of the study should be performed given that the role of the Fire Department in EMS has been discussed for some time and the City is currently almost totally dependent on a private contractor to provide these services.

This order would encumber \$19,000 of uncommitted funds from FY19's surplus in the salary reserve account and designate it to fund the EMS portion of the Fire Study subject to negotiation of a final agreement with CPSM.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order, Authorizing the Use of \$19,000 from the FY2019 Salary Reserve Account to Fund the Fire Department Management Study to Include the Emergency Medical Services Alternate.



COUNCIL ORDER

Order, Authorizing the Use of \$19,000 from the FY2019 Salary Reserve Account to Fund the Fire Department Management Study to Include the Emergency Medical Services Alternate.

Whereas, During the FY 20 budget process, management requested and the City Council provided \$50,000 for a management study of the Lewiston Fire Department; and

Whereas, A request for proposals was subsequently issued that included, as an alternate, a request for a more detailed analysis of the current and possible future emergency medical services the department should and/or could undertake; and

Whereas, Proposals were received from five firms with four firms interviewed by a selection panel composed of Representative from the Finance Committee, Council, Fire Department, and LA 911; and

Whereas, The Committee recommended the contract be awarded to the Center for Public Safety Management; and

Whereas, Subsequent to the selection, the price proposal from the firm was opened with a base study fee of \$52,500 plus \$6,000 in direct travel expenses and a fee of \$19,000 for the alternate EMS study; and

Whereas, The Committee recommended award of the base contract to CPSM in the amount of \$50,000 and that the alternate EMS portion also be awarded subject to Council funding, a recommendation that was accepted by the Finance Committee; and

Whereas, The selection committee and Finance Committee supported funding the EMS alternate portion of the study given that the role of the Fire Department in EMS has been discussed for some time and the City is currently dependent on a private contractor to provide these services;

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

The use of \$19,000 from the FY2019 Salary Reserve Account is hereby authorized for the purpose of funding the alternate Emergency Medical Services portion of the Fire Department Management Study, subject to a final agreement between the City and the Center for Public Safety Management.

**LEWISTON CITY COUNCIL
MEETING OF OCTOBER 15, 2019**

AGENDA INFORMATION SHEET: AGENDA ITEM NO. 20

SUBJECT:

Appointment of members to the Housing Committee.

INFORMATION:

The Housing Committee is a newly established standing committee of the city.

The Mayor has received and reviewed applications and has made the following nominations that are on the attached page. The Council is asked to vote to approve the nominations to the Committee. Per the ordinance, each appointment shall be voted on separately.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Appointments to boards and committees are a policy decision of the Council.

ERB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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Please see attached vote sheet.

VOTE SHEET – Agenda item 20 – Appointments to Housing Committee

To receive the nominations from Mayor Cloutier for members to the Housing Committee and to vote on each nomination below individually (note – the City Clerk will read each name, category and term separately to allow the Council to vote on each appointment):

- One owner of a multi-unit property in Lewiston, initially appointed to a one-year term:
 - **Michael Reed**
 -
- One owner of a multi-unit property in Lewiston, initially appointed to a two-year term:
 - **Allie Smith**
 -
- One tenant of a multi-unit property in Lewiston, initially appointed to a one-year term:
 - **Heritier Nosso**
 -
- One tenant of a multi-unit property in Lewiston, initially appointed to a two-year term:
 - **Bruce Noddin**
 -
- One Lewiston home owner, initially appointed to a one-year term:
 - **Stephanie Dube**
 -
- One Lewiston home owner, initially appointed to a two-year term:
 - **Melanie Gould**
 -
- 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:
 - **Lynsay Henry**
 -
- 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:
 - **Michelle Green**
 -
- A residential developer or real estate professional, initially appointed to a three-year term:
 - **Craig Saddlemire**
 -
- 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 on the financing, development, or operation of such property, initially appointed to a three-year term:
 - **Corey Crowell**
 -
- A member of the Rental Registration Subcommittee appointed for a one-year term:
 - **Erin Guay**
 -
- A City Council member:
 - **Kristen Cloutier**

Kathy Montejo

From: noreply@civicplus.com
Sent: Wednesday, June 26, 2019 8:01 AM
To: Kathy Montejo; Kelly Brooks
Subject: Online Form Submittal: Application for Appointment to City Board/Commission/Committee

Application for Appointment to City Board/Commission/Committee

Full Name	Michael j Reed
Street Address	281 webber ave Lewiston maine
Mailing Address (if different than street address)	P. O. Box 373 Lewiston maine
Phone Number (daytime)	207-754-2784
Phone Number (evening)	207-754-2784
Email Address	Michaelreedmail@yahoo.com
Length of Time as a Lewiston Resident	30 years
Council Ward	Ward 7
I wish to be appointed to:	Housing committe
Check one or both	Full Membership Status
Educational Background	2 years at uma
Employment History	Self employed investor in various properties and small business. also worked in non profit sector for 12 years (issues surrounding homeless) .
Community Service	None
Please note any prior experience, knowledge or abilities that you have which would contribute to the activities of the Board/Commission/Committee	<i>Field not completed.</i>
Date	6/27/2019

Kathy Montejo

From: noreply@civicplus.com
Sent: Friday, September 20, 2019 4:43 PM
To: Kathy Montejo; Kelly Brooks
Subject: Online Form Submittal: Application for Appointment to City Board/Commission/Committee

Application for Appointment to City Board/Commission/Committee

Full Name	Allie Smith
Street Address	156 Horton St, Apt 3, Lewiston, ME 04240
Mailing Address (if different than street address)	Field not completed.
Phone Number (daytime)	[REDACTED]
Phone Number (evening)	[REDACTED]
Email Address	[REDACTED]
Length of Time as a Lewiston Resident	2 years
Council Ward	5
I wish to be appointed to:	Housing Committee - Owner of a Multi-unit Property.
Check one or both	Full Membership Status, Associate Member Status
Please list any related experience, knowledge, education, skills, or abilities that you feel would make you a good fit for this Board/Commission/Committee:	<p>I am currently the owner/occupant of a 3-unit building in the heart of the Tree Streets. I purchased this building in 2017; at that time, it was condemned and vacant. With the support of the municipal/CDBG loan program, I successfully rehabbed the property and it has been fully tenanted since early 2018. It consists of 2 rentals, both of which are 3-bedroom affordable housing units (one Section 8), and one owner unit, in which I live. The rentals are home to two families, one from Somalia and the other from Angola. I am the property owner and manager for this building.</p> <p>I am employed by 2 nonprofits in Lewiston, and I work on issues related to housing in both capacities. In my work with Healthy Homeworks, I teach carpentry and home maintenance/rehabilitation skills, support the</p>

implementation of the Property Health Report / rental registration, and generally support the organization's initiatives to improve the quality and safety of Lewiston's housing stock. In my work with New Beginnings, I support youth who are homeless or at-risk of homelessness. Though my work at New Beginnings is mostly focused on supporting youth with their education, it has helped me understand the challenges faced by those who lack secure housing, including the process of securing housing when you have a voucher but no income.

Through my employment and work on my building, I regularly collaborate with many nonprofit partners, property owners, and community members who rent their housing in Lewiston. I have experience serving on professional committees including my current membership on the LA Arts Board of Directors. I care deeply about the quality, safety, and affordability of Lewiston's housing stock and am grateful for the chance to contribute to the city's efforts.

Date	9/20/2019
Electronic Signature	Allison Jennifer Smith

Thank you for your interest in serving the City of Lewiston.

Email not displaying correctly? [View it in your browser.](#)

Kathy Montejo

From: noreply@civicplus.com
Sent: Tuesday, September 24, 2019 3:07 PM
To: Kathy Montejo; Kelly Brooks
Subject: Online Form Submittal: Application for Appointment to City Board/Commission/Committee

Application for Appointment to City Board/Commission/Committee

Full Name	Heritier Sukalakana Nosso
Street Address	73 Howard st
Mailing Address (if different than street address)	N/A
Phone Number (daytime)	2010443100
Phone Number (evening)	Same
Email Address	heritier.nosso@gmail.com
Length of Time as a Lewiston Resident	4 years
Council Ward	N/A
I wish to be appointed to:	73 Howard 2
Check one or both	Associate Member Status
Please list any related experience, knowledge, education, skills, or abilities that you feel would make you a good fit for this Board/Commission/Committee:	Attorney at Law in Democratic Republic of the Congo, Heritier Nosso works at Healthy Androscoggin as a Health Promotion Coordinator, most of his works are focused on Healthy homes and Lead Poisoning education. Most recently, he worked at IRCM as a community éducation and prevention Coordinator. Heritier Nosso speaks 3 languages : English, French and Lingala.
Date	9/24/2019
Electronic Signature	Heritier Sukalakana Nosso

Thank you for your interest in serving the City of Lewiston.

Kathy Montejo

From: noreply@civicplus.com
Sent: Tuesday, July 9, 2019 3:19 PM
To: Kathy Montejo; Kelly Brooks
Subject: Online Form Submittal: Application for Appointment to City Board/Commission/Committee

Application for Appointment to City Board/Commission/Committee

Full Name	Bruce L. Noddin
Street Address	253 Oak St
Mailing Address (if different than street address)	<i>Field not completed.</i>
Phone Number (daytime)	207-253-1146
Phone Number (evening)	(207) 253-1146
Email Address	bruce.l.noddin@gmail.com
Length of Time as a Lewiston Resident	7 years
Council Ward	1
I wish to be appointed to:	City Housing Committee
Check one or both	<i>Field not completed.</i>
Please list any related experience, knowledge, education, skills, or abilities that you feel would make you a good fit for this Board/Commission/Committee:	Led Lewiston/Auburn Housing Summit 2017, Member of Statewide Homeless Council and assigned sub-committee, Creator of Creative Housing Solutions Committee in Rockland and similar project in Bangor. Partnering with MDOC, MSHA, and others to address housing issues statewide.
Date	7/9/2019
Electronic Signature	Bruce Lee Noddin

Thank you for your interest in serving the City of Lewiston.

Email not displaying correctly? [View it in your browser.](#)

Kathy Montejo

From: noreply@civicplus.com
Sent: Friday, September 20, 2019 6:10 AM
To: Kathy Montejo; Kelly Brooks
Subject: Online Form Submittal: Application for Appointment to City Board/Commission/Committee

Application for Appointment to City Board/Commission/Committee

Full Name	Stephanie Dube
Street Address	12 maplewood Road
Mailing Address (if different than street address)	<i>Field not completed.</i>
Phone Number (daytime)	2075141076
Phone Number (evening)	2075141076
Email Address	Allah@thepeeps@gmail.com
Length of Time as a Lewiston Resident	18 years
Council Ward	4
I wish to be appointed to:	Housing Committee
Check one or both	<i>Field not completed.</i>
Please list any related experience, knowledge, education, skills, or abilities that you feel would make you a good fit for this Board/Commission/Committee:	I have a BS in Mh and Human services, I have worked in Lewiston for years with the social services population and those with addiction. I currently work at Trinity Jubilee Center as the Kitchen/Volunteer Coordinator where we see the homeless crisis! I have also done some work with Healthy Neighborhoods in the early stages and I believe this is an important issue for my city.
Date	9/20/2019
Electronic Signature	Stephanie R. Beck-Dube

Thank you for your interest in serving the City of Lewiston.

Email not displaying correctly? [View it in your browser.](#)

Kathy Montejo

From: noreply@civicplus.com
Sent: Wednesday, September 25, 2019 1:37 PM
To: Kathy Montejo; Kelly Brooks
Subject: Online Form Submittal: Application for Appointment to City Board/Commission/Committee

Application for Appointment to City Board/Commission/Committee

Full Name	Melanie Gould
Street Address	15 Lemont Ave Lewiston ME 04240
Mailing Address (if different than street address)	<i>Field not completed.</i>
Phone Number (daytime)	2076152243
Phone Number (evening)	2076152240
Email Address	melanie.gould@gmail.com
Length of Time as a Lewiston Resident	16 months
Council Ward	2
I wish to be appointed to:	Housing Committee
Check one or both	Full Membership Status, Associate Member Status
Please list any related experience, knowledge, education, skills, or abilities that you feel would make you a good fit for this Board/Commission/Committee:	Currently a Quality Coach/Trainer with LLBean for Business - strong written and verbal communication skills. Pursuing MBA in Organizational Management (graduate 5/20 Husson) Former Real Estate Agent in SC and ME, having worked on new construction subdivisions. Passionate that all of our residents have SAFE and affordable housing regardless of demographics or income level. I was raised locally between Lisbon/Durham/Auburn and chose Lewiston as my home because of the amazing people and the potential I see in our city.
Date	9/25/2019
Electronic Signature	Melanie Leigh Gould

Kathy Montejo

From: noreply@civicplus.com
Sent: Thursday, September 19, 2019 10:24 AM
To: Kathy Montejo; Kelly Brooks
Subject: Online Form Submittal: Application for Appointment to City Board/Commission/Committee

Application for Appointment to City Board/Commission/Committee

Full Name	Lynsay Henry
Street Address	7 Pond Ridge Dr
Mailing Address (if different than street address)	<i>Field not completed.</i>
Phone Number (daytime)	[REDACTED]
Phone Number (evening)	[REDACTED]
Email Address	[REDACTED]
Length of Time as a Lewiston Resident	25+ years
Council Ward	6
I wish to be appointed to:	Housing Committee- LAPHC representative
Check one or both	Full Membership Status, Associate Member Status
Please list any related experience, knowledge, education, skills, or abilities that you feel would make you a good fit for this Board/Commission/Committee:	I have worked on the Lewiston area public health committee over the last 3 years, which has taken on a lot of issues related to housing (Lead issues, other safety/code issues, proposal of the Rental registration program).
Date	9/19/2019
Electronic Signature	Lynsay A Henry

Thank you for your interest in serving the City of Lewiston.

Email not displaying correctly? [View it in your browser.](#)

Kathy Montejo

From: noreply@civicplus.com
Sent: Friday, September 20, 2019 9:32 AM
To: Kathy Montejo; Kelly Brooks
Subject: Online Form Submittal: Application for Appointment to City Board/Commission/Committee

Application for Appointment to City Board/Commission/Committee

Full Name	Michelle B Green
Street Address	134 North Temple Street
Mailing Address (if different than street address)	<i>Field not completed.</i>
Phone Number (daytime)	202-777-7770
Phone Number (evening)	202-777-7770
Email Address	mgreen@communitycreditunion.com
Length of Time as a Lewiston Resident	6 years
Council Ward	4
I wish to be appointed to:	Housing Committee
Check one or both	<i>Field not completed.</i>
Please list any related experience, knowledge, education, skills, or abilities that you feel would make you a good fit for this Board/Commission/Committee:	I have worked for Community Credit Union for over 20 years. I have had the last 6 years in Real Estate loans and 12 years to present in consumer loans. My role is now AVP Of HR Administration. I still continue to assist in the real estate loans on going. My knowledge and experience would be valuable to contribute to the committee.
Date	9/20/2019
Electronic Signature	Michelle B Green

Thank you for your interest in serving the City of Lewiston.

Email not displaying correctly? [View it in your browser.](#)

Kathy Montejo

From: noreply@civicplus.com
Sent: Thursday, September 19, 2019 10:22 AM
To: Kathy Montejo; Kelly Brooks
Subject: Online Form Submittal: Application for Appointment to City Board/Commission/Committee

Application for Appointment to City Board/Commission/Committee

Full Name	Craig Saddle mire
Street Address	75 Maple St
Mailing Address (if different than street address)	<i>Field not completed.</i>
Phone Number (daytime)	207552148 08
Phone Number (evening)	207552148
Email Address	niceop207@gmail.com
Length of Time as a Lewiston Resident	18 years
Council Ward	5
I wish to be appointed to:	Housing Committee
Check one or both	Full Membership Status
Please list any related experience, knowledge, education, skills, or abilities that you feel would make you a good fit for this Board/Commission/Committee:	I am the Manager for the Raise-Op Housing Cooperative. We develop and operate mixed-income affordable housing that is cooperatively owned and democratically managed by its residents. I have experience organizing and working closely with low-income renters and homeowners. I have led multi-unit renovation projects from concept to completion, including raising capital, property acquisition, bidding, construction management, and transitioning residents to home ownership. I have experience with property management and maintenance. I also have experience with policy making for housing, having served on Lewiston City Council, and numerous committees and organizations concerned with the redevelopment of our urban neighborhoods.
Date	9/19/2019

Kelly Brooks

From: noreply@civicplus.com
Sent: Wednesday, September 4, 2019 8:33 AM
To: Kathy Montejo; Kelly Brooks
Subject: Online Form Submittal: Application for Appointment to City Board/Commission/Committee

Application for Appointment to City Board/Commission/Committee

Full Name	Corey Crowell
Street Address	3 Grande Ave
Mailing Address (if different than street address)	3 Grande Ave
Phone Number (daytime)	2077551018
Phone Number (evening)	2077551018
Email Address	ccrowell@lewistonhousing.org
Length of Time as a Lewiston Resident	42 years
Council Ward	6
I wish to be appointed to:	Housing Committee - Workforce and Elderly Housing
Check one or both	<i>Field not completed.</i>
Please list any related experience, knowledge, education, skills, or abilities that you feel would make you a good fit for this Board/Commission/Committee:	<p>I have worked for the Lewiston Housing Authority for the past 5 years managing affordable housing for family sites throughout Lewiston as well as elderly/disabled housing</p> <p>Lewiston resident my whole life, with a history of managing family owned properties including section 8 units.</p> <p>Background in carpentry, work force development for homeless or near homeless youth and working in mental health services.</p>
Date	9/4/2019
Electronic Signature	Corey Daniel Crowell

Kathy Montejo

From: noreply@civicplus.com
Sent: Sunday, September 29, 2019 5:36 PM
To: Kathy Montejo; Kelly Brooks
Subject: Online Form Submittal: Application for Appointment to City Board/Commission/Committee

Application for Appointment to City Board/Commission/Committee

Full Name	Erin Guay
Street Address	115 Old Greene Rd
Mailing Address (if different than street address)	<i>Field not completed.</i>
Phone Number (daytime)	2077933999
Phone Number (evening)	2073320058
Email Address	eringuay@gmail.com
Length of Time as a Lewiston Resident	12 years
Council Ward	4
I wish to be appointed to:	Housing Committee - Rental Registration Subcommittee Representative
Check one or both	Full Membership Status
Please list any related experience, knowledge, education, skills, or abilities that you feel would make you a good fit for this Board/Commission/Committee:	Experience serving on the City's rental registration subcommittee - July 2018-March 2019 Masters in Public Health and experience with how the social determinants of health, such as housing, impact our community's health. Good communicator who strives for common ground Outgoing Lewiston Area Public Health Committee member
Date	9/29/2019
Electronic Signature	Erin Guay

Thank you for your interest in serving the City of Lewiston.

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 15, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 23

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter regarding the annual evaluation of the City Administrator.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

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

EVAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter regarding the annual evaluation of the City Administrator.