

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
JANUARY 7, 2020**

**6:00 p.m.**

- A. Land Use Code Amendment – Solar Energy Definitions – 10 minutes
- B. Amendment to the Rental Registration Ordinance – Application Information – 15 minutes
- C. Adopting a New Chapter 71 to the Code of Ordinances – Above Ground Power, Fiber and Telecommunications Installations – 30 minutes

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

Pledge of Allegiance to the Flag

Acceptance of the minutes of the December 17, 2019 meeting.

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

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 1.

**REGULAR BUSINESS:**

1. Adoption of the Rules to Govern the City Council for the ensuing Council year.
2. Public Hearing on application for a new Liquor License and Special Amusement Permit for Live Entertainment for Baxter Brew Pub, LLC, 120 Mill Street.
3. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Fraternal Order of Eagles, 1327 Sabattus Street.
4. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for LA Public Theatre, Inc., 31 Maple Street.
5. Public Hearing and First Passage for Ordinance, Amending Chapter 18, Article VI, Section 18-96(f) to the Code of Ordinances – Registration Process Requirement for Multi-Family Buildings.
6. Public Hearing and First Passage for Ordinance, Adopting a New Chapter 71, to the Code of Ordinances Regulating Above Ground Power, Fiber, and Telecommunications Installations, Including Utility Poles in the Public Right.
7. Public Hearing and First Passage for Ordinance, Amending Appendix A of the Zoning and Land Use Code Relating to Solar Energy Systems.
8. Order, Authorizing the City Manager to Execute the Necessary Documents to Sell the Property at 5 Peter Boulevard to Eugene and Lydia Gilbert.
9. Order, Authorizing Execution of a Municipal Quitclaim Deed for Real Estate located at 378 Pinewoods Drive.
10. Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all applications to operate beano, bingo or other games of chance, on behalf of the Municipal Officers.
11. Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all permits for circuses and carnivals, on behalf of the Municipal Officers.
12. Authorization for the City Clerk and/or Deputy City Clerk to sign all liquor license applications on behalf of the Municipal Officers.
13. Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all applications for utility pole permits, on behalf of the Municipal Officers.

14. Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all licenses for close out sale permits, on behalf of the Municipal Officers.
15. Authorization for the Finance Director, Tax Collector and Deputy Treasurer to act on behalf of the Municipal Officers regarding deeds, liens and municipal investments.
16. Authorization for City Administrator or Deputy City Administrator to approve or deny all requests to hang banners, post community event signs on municipal property, and place temporary signs, flags and decorations in the public right of way, on behalf of the Municipal Officers.
17. Authorization for Deputy City Administrator and/or Finance Director to have signatory authority for the City Administrator when the Administrator is unavailable.
18. Appointment of City Council representatives to various boards and committees.
19. Appointment of citizens to various City boards and committees.
20. Reports and Updates
21. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
TUESDAY, JANUARY 7, 2020  
6:00 PM

1. Land Use Code Amendment – Solar Energy Definitions – 10 Minutes

As a result of recent changes in state law, considerable interest exists in potentially establishing solar energy systems in Lewiston, either to provide for community solar projects or to produce energy for sale into the electrical grid. The purpose of this amendment is to clarify the development and review process for solar energy projects in the City and to streamline the permitting of such projects. Our Code establishes the uses allowed in each district. Because solar energy systems are not currently listed as an allowed use, a solar energy project can be permitted as a conditional use only if the Board of Appeals or the Planning Board determine that the proposed solar energy system is "substantially similar to and compatible with permitted or conditional uses" in the relevant district. This amendment will stipulate that solar energy systems are conditional uses in every district, would provide clarity to applicants for such projects, and would remove the extra step of requiring applicants to demonstrate similarity before applying for a conditional use permit.

2. Amendment to the Rental Registration Ordinance – Application Information – 15 Minutes

The City Council recently adopted a no-fee rental registration ordinance that will be implemented in March. As we have worked to develop a registration application form, we have found that one requirement of the ordinance is excessively burdensome in that it requires that information must be separately provided for each rental unit in a building including the floor it is on, unit number or designation, bedroom count, and whether or not it is occupied. For larger properties, this could require a separate line on the application form for each and every unit. This amendment will simplify this requirement. Owners would only have to report the number of floors, number of units by bedroom count (e.g., 4 1 bedroom; 2 2 bedroom; 1 3 bedroom), and the number of vacant units. All of this information can be provided on one line of the form.

3. Adopting a New Chapter 71 to the Code of Ordinances – Above Ground Power, Fiber, and Telecommunications Installations – 30 Minutes

This ordinance attempt to both address existing issues and problems related to utility poles located or to be located in the city's right of way and regulation of new, small cell 5G units which are being installed to improve speed and coverage of cell based communications.

Note: Background information on all three of these items is include in the regular agenda, where they appear for first reading. By Charter, ordinances must normally receive first reading at one meeting prior to returning to the Council for second reading and action at a subsequent meeting. They are also subject to a formal public hearing. It has generally been the Council's practice to vote on first reading of an ordinance at the time it is initially introduced. If approved for first passage, it then goes forward to a future meeting. If first passage fails, it is no longer considered.

# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 7, 2020

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Adoption of the Rules to Govern the City Council for the ensuing Council year.

**INFORMATION:**

The City Council, at the beginning of each new biennial Council year, is required to adopt rules to govern the Board for the ensuing year. The City Council operates by Robert's Rules of Order, but must adopt rules to govern those issues not covered by Robert's Rules. These Rules can be amended throughout the year by a vote of the Council. These Rules are the same as in previous years with the exception of a few changes that were reviewed previously: removal of language regarding teleconference and videoconferencing, addition of language regarding conflict of interest, amendments to the workshop section and some other minor housekeeping related changes.

Passage is recommended.

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

The Rules are a matter of policy established by the Council for the conduct of its business. The City Administrator recommends approval of the requested action.

*ERAB/1/6mm*

**REQUESTED ACTION:**

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To adopt the Rules to Govern the City Council for the period of January 7, 2020 to January 4, 2022 as presented.

**RULES GOVERNING THE CITY COUNCIL  
FOR PERIOD 1/07/2020 - 1/04/2022**

**Sec. 1. Regular meetings**

- (a) **Time:** The City Council shall hold regular meetings on the first and third Tuesday of each month at 7:00 p.m.
- (b) **Place:** All regular meetings of the City Council shall be held in the Council Chambers of the City Building.
- (c) Matters that are appropriate for executive session and which are to be held on evenings of regular City Council meetings shall be scheduled either at a workshop preceding the meeting or immediately following Other Business as the final item on the meeting agenda, except in situations when the City Administrator deems it to be in the best interest of the City to hold the executive session at another time.
- (d) Items shall appear on the agenda in the following standard order of business:
  - Pledge of Allegiance to the Flag
  - Moment of Silence - to be held at the discretion of the Mayor
  - Ceremonial Presentations and Recognitions
  - Acceptance of meeting minutes
  - Public Comment period - any member of the public may offer comments regarding issues pertaining to Lewiston City Government; maximum time limit for the full comment period shall be 15 minutes
  - Consent Agenda
  - Public Hearings (licenses, ordinance adoptions or amendments, other)
  - Policy Manual adoptions or amendments
  - Items requiring adoption or approval
  - Discussion items (no action required)
  - Reports and Updates
  - Any other city business Councilors, staff or members of the public may have relating to Lewiston City Government
- (e) The Mayor is authorized to adjust the standard order of business to accommodate members of the public attending the meeting in regard to an item or items.

**Sec. 2. Special meetings**

All special meetings shall be called in accordance with Article II, Section 2.10 of the City Charter.

**Sec. 3. Agenda**

- (a) All agenda items must be in the office of the City Clerk no later than 12:00 Noon on the Wednesday prior to a regular meeting.
- (b) A consent agenda shall be prepared for all regular meetings of the City Council. The consent agenda shall be adopted by a yea and nay vote.

**Sec. 4. Presiding officer - call to order**

The Mayor, or in the absence of the Mayor, the Council President, shall call the meetings to order. In the absence of the Mayor and Council President, the City Clerk

## RULES GOVERNING THE CITY COUNCIL FOR PERIOD 1/07/2020 - 1/04/2022

shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the Council present.

### Sec. 5. Parliamentary Procedure

- (a) "ROBERT'S RULES OF ORDER" shall be regarded by the Council as the proper authority for parliamentary procedure in conduct of its meetings for the ensuing year, except as otherwise provided herein, or by Charter and may be suspended by a majority vote of the city council at any time.
- (b) Reconsideration of Items - When an item is voted on by the Council, it shall be in order for any member who voted on the prevailing side or who was not present at the time the vote was taken to move a reconsideration thereof, during the same meeting or at the immediate next regularly scheduled Council meeting, but not afterwards. In instances where a majority of those present vote in favor of an item but there are less than the normally required four votes, the prevailing side shall be those who voted against the item. No motion to reconsider a vote taken at a previous meeting shall be in order for consideration at the immediate next regularly scheduled Council meeting unless an item to that effect is scheduled on the agenda for such meeting or unless five of the members consent to such reconsideration.

### ~~Sec. 6. City Council Teleconference/Video Conference Rules~~

- ~~(a) Physical attendance by members of the Lewiston City Council at all meetings is encouraged and expected. Council members and the Mayor should make all reasonable effort to be physically present for every meeting. Teleconference procedures may not be routinely used as a substitute for attendance in person. However, physical attendance may not always be possible.~~
- ~~(b) Teleconferencing" is defined as remote participation by an official in a meeting of the City Council by means which enables the remote official to clearly hear the Mayor, all Council members, the City Clerk, and public testimony and to be clearly heard by the Mayor, all Council members, the City Clerk, and the public for the duration of the meeting.~~
- ~~(c) Physical attendance at meetings contributes to quality dialogue and supports a sound deliberative and decision making process. Consequently, teleconferencing will only be permitted under the following conditions:
  - ~~1. a quorum cannot be achieved for a regularly scheduled or special meeting;~~
  - ~~2. one or more member are unable to attend due to absence from the City, employment, or family emergency reasons;~~
  - ~~3. a minimum of three [3] Councilors must be present in person at the meeting location;~~
  - ~~4. an elected official participating by teleconference shall, while actually on the teleconference, be deemed present at the meeting for all purposes. The official shall make every effort to participate in the entire meeting;~~
  - ~~5. if the Mayor participates via teleconference, the Council President, or the Council appointed presiding officer in the Council President's absence, shall~~~~

**RULES GOVERNING THE CITY COUNCIL  
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- ~~preside over and perform all functions of the Mayor at the meeting; and~~
- ~~(d) any City Council business, with the exception of items involving public hearings or quasi-judicial proceedings, may be conducted under this policy.~~
- ~~(e) Where teleconferencing is employed, the Council member requesting to participate via teleconference must provide the City Clerk no less than 24 hours notice of his/her absence in order to participate as a voting member, except in instances where special meetings are called with short notice where a member requesting to teleconference should notify the City Clerk of this request as soon as practicable.~~
- ~~(f) The following procedures shall apply to teleconferencing:~~
- ~~1. All votes during teleconferenced meetings shall be conducted by roll call.~~
  - ~~2. Agendas shall specify the name of the Mayor/City Councilor participating via teleconference and the location, address, and telephone number to be utilized for the teleconference. In the case of a special meeting called on short notice, this information shall be provided at the start of the meeting.~~
  - ~~3. Two-way communication must be established so that the teleconferenced City Councilor can listen to and participate in the public proceedings and members of the public can hear the comments of the teleconferenced official (with the exception of executive sessions).~~
  - ~~4. The City Clerk shall note in the minutes of the meeting all members attending via teleconference.~~
  - ~~5. To the extent practicable, materials to be considered by the Council shall be made available in advance to those attending by teleconference.~~

Sec. 6. Conflicts of Interest

- (a) Deliberation and vote prohibited. No municipal officer shall participate in the deliberation or vote, or otherwise take part in the decision making process, on any agenda item before the council in which the official or an immediate family member has a financial or special interest, other than an interest held by the public generally. For purposes of this Section, immediate family members shall include: spouse, children, parents, siblings, including step, half, and in-law relations, and domestic partners.
- (b) Disclosure of conflict. Any Municipal Officer who believes that the Officer or an immediate family member has a financial or special interest, other than an interest held by the public generally, in any agenda item before the City Council shall disclose the nature and extent of such interest, and the City Clerk or designee shall make a record of such disclosure. Such disclosure shall be made no later than the date of the first meeting of the City Council at which the agenda item concerned is to be taken up for consideration, recommendation, discussion or vote and at which the Municipal Officer is present. Additionally, any Municipal Officer who believes that any fellow Municipal Officer, or a member of such fellow Officer's immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before the City Council, shall disclose the nature and extent of such interest, and the City Clerk or designee shall make a record of such disclosure.

**RULES GOVERNING THE CITY COUNCIL  
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- (c) Determination of conflict. Once the issue of conflict has been raised relative to an individual Municipal Official and disclosure has been made as provided above, such individual's fellow Municipal Officials shall review the facts as disclosed to them and shall vote on whether or not such individual has a financial or special interest with respect to the agenda item concerned. All conflict of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each Municipal Official present shall be entitled to vote on all conflict questions except those questions pertaining to that individual Municipal Official's alleged conflict of interest.
- (1) All votes of conflict of interest questions shall be recorded. A majority vote shall determine the question.
- (2) Upon determination that a conflict of interest in fact exists, the Municipal Official concerned shall be excused from participating in discussion, deliberation or vote on the relevant agenda item.
- (3) In lieu of the vote required by this subsection, the City Council, upon motion and by majority vote, may refer the conflict of interest question to the City Attorney for an advisory opinion and/or may table its consideration of the relevant agenda item. In the event that a majority of the City Council shall require disclosure of further information not immediately available or shall require confirmation of the information disclosed, consideration of the relevant agenda item shall be postponed to an appropriate time.
- (d) Avoidance of appearance of conflict. To avoid the appearance of a violation of this section, once any individual Municipal Official is determined to have a conflict of interest in respect to any agenda item and once all conflict of interest questions relating to the agenda item concerned have been determined as provided in (c) above, said individual shall immediately remove from the dais and take a seat in the audience or leave the meeting room. The Official shall not return to the regular seat as a member of the body until deliberation and action on the item is completed. If the item has not been finally resolved when the conflict of interest is first determined, said individual shall not participate in any subsequent discussion or action on this item until a final resolution has been reached as to the Officials conflict of interest. Nothing herein shall require an individual Official to refrain from acting on a motion to approve a consent agenda on which there is no deliberation, the individual's conflict has been determined by the other members, and the right to abstain from voting on the item has been granted.
- (e) Personal interest. Nothing herein shall be construed to prohibit any Municipal Official from representing that Officials own personal interest by appearing before the City Council on any such agenda item.

**Sec. 7. Action on Ordinances**

**RULES GOVERNING THE CITY COUNCIL  
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- (a) All ordinances shall be submitted in accordance with Article II, Section 2.11 of the City Charter.
- (b) All proposed ordinances shall be read by title only unless any member of the Council requests a full reading of the ordinance.
- (c) No ordinance, excluding emergency ordinances, shall be passed until it has been read on two separate days, except when the requirement of a reading on two separate days has been dispensed with by the Council.
- (d) When passed by the Council, an ordinance shall be attested by the City Clerk; and it shall be immediately filed and thereafter preserved in the office of the City Clerk.

**Sec. 8. Action on budget**

**I. Community-Shared Assumptions and Principles**

- (a) The City Council has full authority and responsibility in law to set the municipal budget. The City Council, in consultation with the School Committee, shall approve the specific portions of the school budget in accordance with the applicable sections of MRSA 20-A, and shall establish the mill rate on the combined overall budget for all city and school budgets.
- (b) The School Committee has full authority and responsibility in law to develop the school budget and to establish educational policy in accordance with the applicable sections of MRSA 20-A.
- (c) Direct communication between the participants in these processes is preferable to relying on third party transmission.
- (d) Budgets for the School Department and other municipal offices will be developed with full and complete communication between the City Council and the School Committee. In addition to the regular public sessions presented by the City Council and the School Committee, there will be an appropriate number of joint public work sessions consistent with the limitations prescribed by statute and the charter.
- (e) Public communication on the budgetary process will be open and extensive, and, wherever possible, be jointly made by the City Administrator and Superintendent or the Council and the School Committee.
- (f) The City Council shall submit the approved School Budget for a budget validation referendum and the School Committee shall determine the allocation of the approved school budget among the cost centers of the cost center summary budget format in accordance with those provisions outlined in MRSA 20-A.
- (g) Budgetary development addresses not only the next fiscal year, but is also part of a strategic, long-range process and is viewed in that context.
- (h) The City Council and the School Committee will cooperate in the development of a strategic, integrated, long-range plan which will involve the whole community.
- (i) Broad-based, strategic, long-range community planning is vital to the process.

# RULES GOVERNING THE CITY COUNCIL FOR PERIOD 1/07/2020 - 1/04/2022

## **II. The Superintendent and the City Administrator**

- (a) There will be meetings on a regular basis throughout the year.
- (b) Each will share budget information with as much detail as available at appropriate stages in the budgetary development process. Special emphasis will be given to sharing relevant factual information about personnel, program development, facilities support and strategic development.

## **III. City Council and School Committee**

- (a) The City Council and the School Committee agree to meet jointly prior to the budgetary season to discuss visions, goals and objectives for the coming year.
- (b) Each will share budget information with as much detail as available at appropriate stages in the budgetary development process. Special emphasis will be given to sharing relevant factual information about personnel, program development, facilities support and strategic development.
- (c) The City Council and the School Committee will have a regular agenda item at its meetings, "Report from the (City Council/School Committee). This will be facilitated by the City Council representative to the School Committee, thereby enhancing that role in the collaborative process.

### **Sec. 9. Travel by Council Members**

Any member of the City Council who will not be serving an additional term in office shall refrain from out-of-state travel, in an official capacity, following the November Municipal Election.

### **Sec. 10. Action by Councilors**

A majority vote of the City Council or approval by the council president, or Mayor in the absence of the council president, is required in order for an individual Councilor to obtain an opinion from the City Attorney.

### **Sec. 11. Suspension of rules**

Any of the foregoing rules may be suspended, amended or repealed providing a majority of the members of the Council vote therefore.

### **Sec. 12. Institutional Cooperation**

It is the policy of the City to work in close cooperation with the Council and staff of the City of Auburn and to continue to explore ways Lewiston and Auburn can work together to promote economic growth in the L/A region, reduce municipal operating and capital costs, and improve service to the public. To encourage such efforts, periodic joint meetings may be held between the City Councils. In addition, the City Administrator should make every effort to meet at least quarterly with the City Manager of Auburn to discuss issues of mutual concern and explore areas of further cooperation

### **Sec. 13. Workshops**

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- (a) Workshop meetings shall be held when deemed appropriate and necessary.
- (b) Workshop meetings should be focused on the Councils' formulation of policy based upon general topic discussions of current issues or project orientated.
- (c) Citizens are welcome, and highly encouraged, to attend workshops. However, these sessions are primarily designed for the Council to discuss and explore items with each other. As such, public comments may be restricted by the Mayor. When members of the public are interested in commenting on workshop items, a request to do so should be made in advance to the Mayor or a Councilor, and such request may be granted by the Mayor in advance or at the beginning of discussion of the item and participate in workshops, however, discussion may be limited by the Mayor, if deemed appropriate. City staff may also request that items be opened for public comment when such comment may be useful in refining or improving the item when it is presented to the Council for action at a regular meeting.
- (d) When a workshop item involves the work of or a recommendation from a City Board, Commission, or Committee, representatives of those groups, when speaking for or representing their work, will be allowed to participate and not be subject to the time limit imposed on the general public.

**Sec. 14. Rules of Decorum**

The City Council will practice civility and decorum in discussion and debate. Each member of the Council shall cooperate with the Mayor or Council President when presiding (hereafter the Presiding Officer) in preserving order and decorum and no member shall, by conversation or otherwise, delay or interrupt the proceedings of the Council, nor disturb any member while speaking, or fail to abide by the orders of the Presiding Officer except as specifically permitted by these Rules or Roberts Rules of Order.

- (a) Subject to being overruled by a majority vote of the members, which vote shall be taken without debate or comment, the Presiding Officer shall maintain order and preserve the decorum of the meeting.
- (b) Every member of the Council desiring to speak shall seek recognition from the Presiding Officer and, upon recognition, shall confine remarks to the question under debate, avoiding all indecorous language or reference to personalities, and direct comments to the Presiding Officer unless otherwise granted permission.
- (c) A member of the Council, once recognized, shall not be interrupted when speaking unless it is for the purpose of calling such person to order. If a member of the Council, while speaking, is called to order, that person shall cease speaking until the question of order is determined.
- (d) When two or more members request the floor at the same time, the presiding officer shall name the one entitled to the floor.
- (e) After receiving permission from the Chair, any member may address a question to any other member.
- (f) All Councilors shall be provided the opportunity to speak and agree or disagree, but no Councilor shall speak twice on any given subject unless all other Councilors have been given the opportunity to speak.

## **RULES GOVERNING THE CITY COUNCIL FOR PERIOD 1/07/2020 - 1/04/2022**

- (g) No Councilor shall engage in private conversation while in the Council Chamber in such a manner as to interrupt the proceedings of the Council.
- (h) If considered necessary because of grave disorder, the Presiding Officer may adjourn or suspend the meeting for a specified time.

### **Sec. 15. Rules and Procedures Governing Public Comment Periods**

City Council meetings are conducted to carry on the official business of the City of Lewiston. All meetings of the City Council, except Executive Sessions, are open to the public. The public is cordially invited to attend all City Council meetings, and to participate in them consistent with the provisions of this policy and with the exception of Council workshops, which are primarily intended for the Council and staff to review and discuss items prior to their appearance on a regular City Council meeting. See Section 13 above.

The intent of this policy is to allow a fair and adequate opportunity for the public to be heard, to express opinions and concerns related to the business of the City, and to provide adequate time for the City Council to obtain information and opinions on subjects before it while ensuring that the time allowed for public input does not interfere with the addressing the scheduled agenda.

To carry out these purposes, the following rules and procedures shall govern the public comment period at all Lewiston city council meetings:

#### **General Public Comment**

A public comment period shall be conducted near the beginning of all regular City Council meetings, at which time Lewiston residents will have the opportunity to be heard on matters directly relating to City business that ARE NOT included on the regular agenda. Individuals addressing the Council during the public comment period will limit their comments to (3) three minutes. Up to fifteen (15) minutes will be allocated for general public comment periods. If the general public comment period exceeds 15 minutes, the public comment period will be suspended by the Presiding Officer to allow the Council to conduct its business and out of courtesy for those attending the meeting for a specific agenda item. The Council will not engage in dialogue with the public during this time. Questions posed during the public comment period will be followed up upon after the meeting. Individuals requesting further information should leave their contact information with the City Administrator.

A general public comment period will not be conducted at workshops, emergency meetings, or special meetings of the City Council.

#### **Addressing Specific Agenda Items**

In addition, public comments will be allowed during the meeting on those items requiring a public hearing and on other items appearing on the agenda. These comments should be DIRECTLY related to the specific agenda item being addressed. Public comments will not be taken during workshops unless a request is made to the Presiding Officer by an individual Councilor, the City Administrator, or a Department Director.

#### **Rules Governing Public Comment Periods**

1. Since meetings are broadcast and recorded, persons wishing to speak must use the public

## RULES GOVERNING THE CITY COUNCIL FOR PERIOD 1/07/2020 - 1/04/2022

podium located to the left side of the audience, and speakers must preface their comments by giving their full name and address.

2. Comments must be limited to issues or concerns DIRECTLY related to Lewiston municipal government. Public comment on matters not related to the City business will not be allowed, so as to make sure that all meetings are carried out in a productive and efficient time and in keeping with the interests of all who attend and participate in a Council meeting.
3. Per state law, found in Title 1, Section 408, complaints or charges from the public about an individual employee will not be permitted. We encourage you to address such comments by directly contacting the City Administrator or City Attorney for their immediate follow-up and review.
4. Comments related to the following will be ruled out of order by the Presiding Officer:
  - a. Specific situations that are in litigation, including those in which the City is a party (issues of a criminal or legal nature should be addressed with the Lewiston Police Department or other criminal justice agency). Individual employees and/or employee groups will not be permitted to discuss matters for which complaint or grievance procedures are provided;
  - b. Personal disputes between the speaker and other private residents not germane to City business; or
  - c. Support for or opposition to any candidate for political office.
5. Individuals will be restricted to speaking once during the general public comment period and once per public comment period for each specific agenda item unless requested by the Presiding Officer to offer additional comments during the meeting.
6. Individuals addressing the Council shall direct their remarks exclusively to the Presiding Officer. No person other than the elected officials and the individual at the podium shall be permitted to enter into any discussion, either directly or through members of the Council. The public comment period is an opportunity for residents to express their views on matters relating to City business.
7. As a limited designated public forum, the City Council does not have the right to prohibit disparaging, rude and other remarks of a personal nature. But, because of the potential implications, including personal liability of the speakers, we encourage any speakers to strive to be accurate in their statements and avoid making personal, rude, or provocative remarks.
8. All statements should respect the dignity and seriousness of the proceeding.
9. Persons present at Council meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting, except for those instances that are listed on the Council Agenda under Public Recognition where the Mayor or a City Councilor are formally recognizing and individual or group for their accomplishments.

### **Failure To Follow Guidelines**

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The Presiding Officer will limit commentary that is determined not to be germane to City business or the topic at hand, or which violates any of the guidelines listed above. The Presiding Officer will direct any individual not operating in accord with these guidelines to cease such action or risk being asked to be seated or removed. If such conduct continues, the Presiding Officer will call a recess, request the removal of such person(s) from the Chambers, adjourn the meeting, or take other such appropriate action. Repeated violations by any individual will result in the Presiding Officer revoking that individual's right to speak at future meetings. Should the Presiding Officer fail to take action, any Councilor may move that the Presiding Officer enforce the rules and guidelines and, if denied, request that the Council vote on the motion.

**LEWISTON CITY COUNCIL**  
**MEETING OF JANUARY 7, 2020**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Public Hearing on applications for a new liquor license and special amusement permit for Live Entertainment for Baxter Brew Pub, LLC, 120 Mill Street.

**INFORMATION:**

We have received applications for a new liquor license and special amusement permit for Live Entertainment from Baxter Brew Pub, LLC, 120 Mill Street. This liquor license application is for malt, vinous and spirituous.

The Police Department has reviewed and approved the application.

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

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

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

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To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Baxter Brew Pub, LLC, 120 Mill Street.



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

**Application for an On-Premises License**

*All Questions Must Be Answered Completely. Please print legibly.*

<b>Division Use Only</b>	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS:    Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I:    Type of License, Status and Applicant Information**

1. New license or renewal of existing license?     New     Renewal

If a renewal, please provide the following information:

Your current license expiration date \_\_\_\_\_

The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \_\_\_\_\_    Beer, Wine or Spirits: \_\_\_\_\_    Guest Rooms: \$ 0.00

2. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

Malt Liquor (beer)     Wine     Spirits

3. Indicate the type of license applying for: (choose only one)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Restaurant<br>(Class I, II, III, IV)   | <input checked="" type="checkbox"/> Class A Restaurant/Lounge<br>(Class XI) | <input type="checkbox"/> Class A Lounge<br>(Class X)  |
| <input type="checkbox"/> Hotel<br>(Class I, II, III, IV)  | <input type="checkbox"/> Hotel – Food Optional<br>(Class I-A)               | <input type="checkbox"/> Bed & Breakfast<br>(Class V) |
| <input type="checkbox"/> Golf Course with auxiliary and mobile cart options<br>(Class I, II, III, IV) | <input type="checkbox"/> Tavern<br>(Class IV)                               |   |
| <input type="checkbox"/> Qualified Caterer  | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only)    |   |

Other: \_\_\_\_\_

Refer to Section VI For Fee Schedule

4. If application is for a **new** license or the business is under **new ownership**, indicate starting date:

11/30/2019

**Section II: Licensee/Applicant(s) Information**

Legal Business Entity Applicant Name (corporation, LLC): Baxter Brew Pub LLC	Business Name (D/B/A): The Pub at Baxter
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 120 Mill St, Lewiston ME 04240
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: PO Box 603, Auburn, ME 04212
Mailing address, if different from DBA address:	Email Address: accounting@baxterbrewing.com
Telephone #                      Fax #:	Business Telephone #                      Fax #: 207-440-7800                      207-333-6768
Federal Tax Identification Number: 82-3602161	Maine Seller Certificate # or Sales Tax #:
Federal Basic Permit Number:	Website address: www.pubatbaxter.com

1. Business records are located at the following address:

Trafton, Matzen, Belleau & Frenette, LLP, 10 Minot Ave, Auburn, Maine, 04240

2. Is licensee/applicant(s) a business entity like a corporation or limited liability company?  
 Yes     No    If Yes, complete Attachment 1 at the end of this application

3. Do you own or have any interest in any another Maine Liquor License?     Yes     No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

4. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Joseph Reynolds	10/31/1984	Boston, Massachussettes
SEE ATTACHED LIST FOR APPLICANTS		

Ques. #4 Listing

**CERTIFICATE OF REGISTERED AGENT  
OF  
BAXTER BREWING CO., LLC**

I, **Marc N. Frenette**, being the Registered Agent of **BAXTER BREWING CO., LLC**, do hereby certify as follows:

1. Baxter Brewing Co., LLC (the "Company") is a Maine limited liability company duly organized and existing under the laws of the State of Maine;
2. The Members of the Company and their respective interests are as follows:
  - a) EKTJ Management, LLC - 68%
  - b) Thomas H. Platz - 30% DOB 9/21/1951 Place of Birth Lewiston, ME
  - c) Charles Morrison - 2% DOB 6/22/1945 Place of Birth Omaha, NE
3. The Company is member run and has no managers and the officers are:
  - a) Jennifer Lever - President
  - b) Thomas H. Platz - Treasurer
4. The Company has not executed or filed a Statement of Authority with the Secretary of State.

IN WITNESS WHEREOF, I have hereunto set my hand on behalf of the Company as if to a sealed instrument as of this 30<sup>th</sup> day November 2019.

  
\_\_\_\_\_  
Marc N. Frenette, Registered Agent

Residence address on all of the above for previous 5 years

Name	Address:
Joseph Reynolds	15 King St #2, Westbrook, ME 04092 684 Congress St, Apt 6, Portland, ME 04101
Name	Address:
EKTJ Management LLC	2 Great Falls Plaza, Auburn, ME 04210
Name	Address:
Thomas H Platz	100 Evergreen Rd, Auburn, ME 04210
Name	Address:
Charles Morrison	46 Lake St, Auburn, ME 04210

5. Is the licensee/applicant(s) citizens of the United States?  Yes  No
6. Is the licensee/applicant(s) a resident of the State of Maine?  Yes  No
7. For a licensee/applicant who is a business entity as noted in Section II, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?
- Yes  No  Not applicable – licensee/applicant(s) is a sole proprietor
8. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine?  Yes  No
9. Will any law enforcement officer directly benefit financially from this license, if issued?
- Yes  No
- If Yes, provide name of law enforcement officer and department where employed:

10. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States?  Yes  No

If Yes, please provide the following information and attach additional pages as needed using the same format.

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

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

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

11. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?  Yes  No

If Yes, please provide the following information and attach additional pages as needed using the same format.

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

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

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

12. Has the licensee/applicant(s) formerly held a Maine liquor license?  Yes  No

13. Does the licensee/applicant(s) own the premises?  Yes  No

If No, please provide the name and address of the owner:

Mill 1 LLC, 2 Great Falls Plaza, Auburn, Maine 04210

14. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: \_\_\_\_\_

15. Do you permit dancing or entertainment on the licensed premises?  Yes  No

If yes, please check that you have received authorization from the municipality in which you are doing business to conduct this type activity.

The licensee/applicant affirms that permission has been granted by the municipality for dancing or other allowed entertainment at this place of business.

16. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section III. (Use additional pages as needed)

The premises are those parts of Mill 1 located at the 1st floor level, in the Northeastern corner of the building. The space is comprised of approximately 7,500 sf of space. It includes the bar, resaurant, kitchen, rest room, cooler, freezer and storage areas.

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

Name: The Light of the World Church

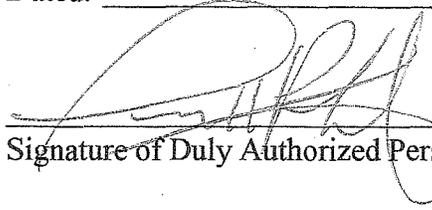
Distance: .3 miles

**Section III: Signature; Fee; Delivery of application**

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

*Please sign and date in blue ink.*

Dated: 12/19/19

  
\_\_\_\_\_  
Signature of Duly Authorized Person\*

Thomas H. Platz  
\_\_\_\_\_  
Printed Name Duly Authorized Person

\_\_\_\_\_  
Signature of Duly Authorized Person\*

\_\_\_\_\_  
Printed Name of Duly Authorized Person

\*The person signing this application must appear in Section VIII on this application.

**Section IV: For use by Municipal Officers and County Commissioners only  
Approval of an application for an on-premises liquor license --**

I, the undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application on this date: \_\_\_\_\_.

Check only one:     City                     Town                     Unorganized Territory

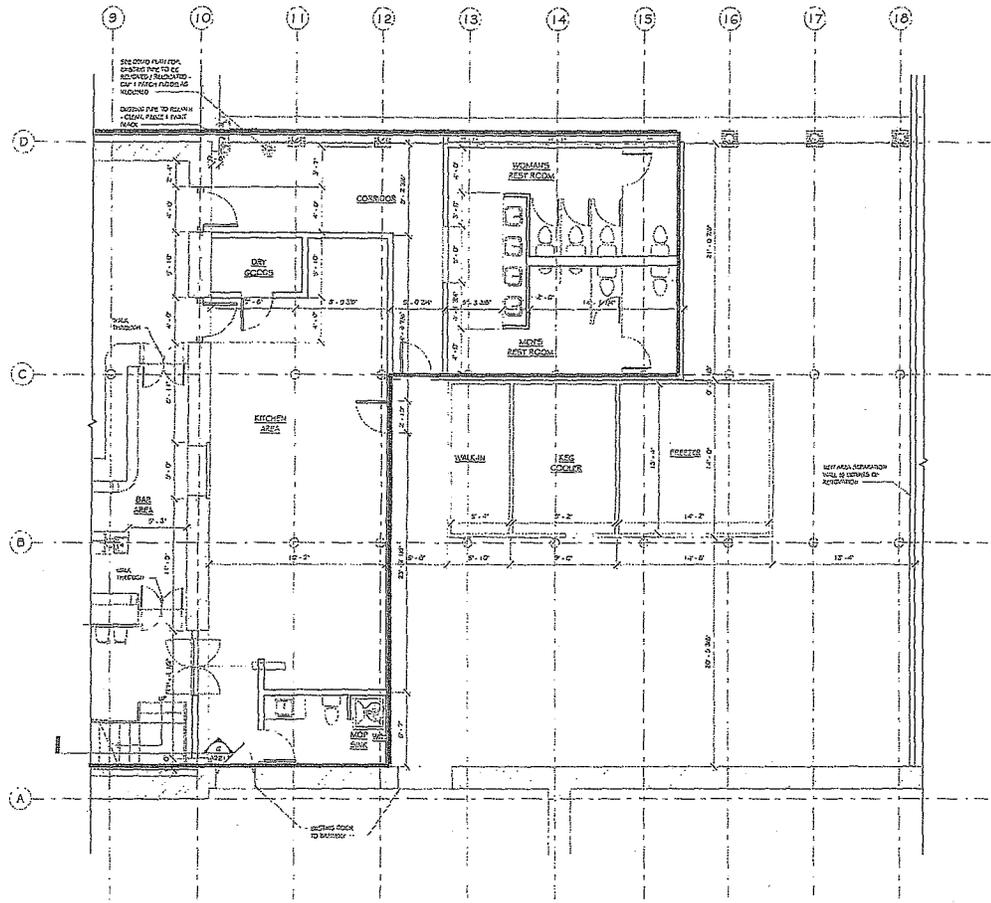
Name of City/Town/Unorganized Territory: \_\_\_\_\_

Who is approving this application?     Municipal Officers  
   County Commissioners of \_\_\_\_\_ County

Signature of Officials	Printed Name and Title

**This Approval Expires in 60 Days**





**PLATZ ASSOCIATES**  
 Architects - Engineers  
 Construction Managers  
 701 207-2424  
 P.O. Box 4855  
 Lewiston, Maine 04203

**BAXTER BREWERY HOUSE**  
 LEWISTON, MAINE

DATE: \_\_\_\_\_

PROJECT: **KITCHEN AREA FLOOR PLAN**

SCALE: **1/4" = 1'-0"**

DATE: **01/09/2018**

PROJECT NO: **A102**

SEE OTHER AREA SHEET 1/4" = 1'-0"

**Section VIII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section II of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: Baxter Brew Pub LLC
2. Doing Business As, if any: The Pub at Baxter
3. Date of filing with Secretary of State: 12/04/2017 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
EKTJ Management LLC	2 Great Falls Plaza, Auburn, ME 04210	N/A	Member	68.0000
Thomas H Platz	100 Evergreen Rd, Auburn, ME 04210	9/21/1951	Member	30.0000
Charles Morrison	46 Lake St, Auburn, ME 04210	6/22/1945	Member	2.0000

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

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 12/19/19

Expiration Date: \_\_\_\_\_

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

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

\*\*\*\*PLEASE PRINT\*\*\*\*

Business Name: The Pub at Baxter Brewing Co. Business Phone: (207) 440-7800

Location Address: 120 Mill St. Lewiston ME 04240

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

Mailing Address: PO Box 603 Auburn ME 04212

Email address: joe@baxterbrewing.com

Contact Person: Joe Reynolds Phone: 207-595-2524

Owner of Business: Baxter Brewing Co. LLC Date of Birth: \_\_\_\_\_

Address of Owner: 130 Mill St. Lewiston ME 04240

Manager of Establishment: Joe Reynolds Date of Birth: 10/31/1984

Owner of Premises (landlord): Mill 1 LLC

Address of Premises Owner: 2 Great Falls Plaza Auburn ME 04210

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

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston?  Yes  No If yes, please list business name(s) and location(s): Baxter Brew Pub LLC  
same locations Baxter Brewing Co LLC

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: Baxter Brew Pub LLC

Corporation Mailing Address: PO Box 603 Auburn ME 04210

Contact Person: Joe Reynolds Phone: 440-7800

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

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

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: \_\_\_\_\_

\*\*\*\*\*

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

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

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

Signature: [Signature] Title: Manager Date: 12/19/19

Printed Name: Thomas H. Platz

\*\*\*\*\*

Hearing Date: 1-7-2020

**CITY OF LEWISTON  
PUBLIC NOTICE**

A hearing on the following liquor license application will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, January 7, 2020, at 7:00 p.m.***, or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said application.

The Pub at Baxter  
120 Mill Street  
Baxter Brew Pub, LLC, owner

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

***PUBLISH ON: January 2, 3, & 4, 2020***

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

**LEWISTON CITY COUNCIL**  
**MEETING OF JANUARY 7, 2020**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Fraternal Order of Eagles, 1327 Sabattus Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Fraternal Order of Eagles, 1327 Sabattus Street.

The Police Department has reviewed and approved the application.

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

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

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

The City Administrator recommends approval of the requested action.

*EAB/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 Fraternal Order of Eagles, 1327 Sabattus Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 12/16/19

Expiration Date: 1/4/20

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

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

\*\*\*\*PLEASE PRINT\*\*\*\*

Business Name: FOE Aerie #618 Business Phone: 781-6937

Location Address: 1327 Saratoga St Lew. Mo 04240

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

Mailing Address: Same

Email address: \_\_\_\_\_

Contact Person: Theresa Giacullo Phone: 240 5997

Owner of Business: members Date of Birth: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Manager of Establishment: N/A Date of Birth: \_\_\_\_\_

Owner of Premises (landlord): N/A

Address of Premises Owner: \_\_\_\_\_

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

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

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

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

Corporation Name: Drigo Ceve #618 FOE

Corporation Mailing Address: 1337 Sabattus St.

Contact Person: Thomas R. Marcolto Phone: 2405397

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? 2 miles

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: Thomas R. Marcolto Title: Sen Date: 12/16/19

Printed Name: THOMAS R. MARCOLTO

\*\*\*\*\*

Hearing Date: 1-7-2020

**LEWISTON CITY COUNCIL**  
**MEETING OF JANUARY 7, 2020**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for LA Public Theatre, Inc., 31 Maple Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from LA Public Theatre, Inc., 31 Maple 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.

*GAIS/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 LA Public Theatre, Inc., 31 Maple Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 12-13-19

Expiration Date: 1-8-2021

- 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: L.A. Public Theatre, Inc. Business Phone: 207-782-2211

Location Address: 31 Maple Street, Lewiston, ME 04240

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

Mailing Address: 31 Maple Street, Lewiston, ME 04240

Email address: info@the.publictheatre.org

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

Owner of Business: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

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

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

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

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

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

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: LA Public Theatre, Inc. d/b/a The Public Theatre

Corporation Mailing Address: 31 Maple Street, Lewiston, ME 04240

Contact Person: Christopher Schario Phone: 207-789-2211

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

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

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list Performing Art Center
- 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: s/Christopher Schario Title: Executive Director Date 12-13-2019

Printed Name: Christopher Schario

\*\*\*\*\*

Hearing Date: 1-7-2020

# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 7, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

**SUBJECT:** Public Hearing and First Passage for Ordinance, Amending Chapter 18, Article VI, Section 18-96 (f) to the Code of Ordinances – Registration Process Requirement for Multi-Family Buildings.

**INFORMATION:** In October of 2019 and in accordance with the recommendations of the Ad-Hoc Rental Registration Committee, the City Council adopted an ordinance establishing a no fee rental registration program. Under this program, every multi-family building with three or more rental units must be registered. The intent of the ordinance is to, first, ensure that the City has current information on the ownership and management of such buildings and the information necessary to contact the appropriate party for emergency and non-emergency purposes and, second, to improve the detailed information that is available to us about our rental housing stock. Initial registration of these properties is required by March 1<sup>st</sup>.

Since the ordinance was adopted, we have been working toward its implementation. One element of this is developing the rental registration application, with our efforts to do so guided by the specific requirements of the ordinance. We have determined that one such requirement, found in Section 18-96 (f), is excessively burdensome. As currently written, information must be separately provided for each rental unit in the building including the floor it is on, unit number or designation, bedroom count, and whether or not it is occupied. For larger properties, this could require a separate line on the application form for each and every unit.

The amendment being proposed would simplify this requirement. Owners would have to report the number of floors, number of units by bedroom count (e.g., 4 1 bedroom; 2 2 bedroom; 1 3 bedroom), and the number of vacant units. All of this information can be provided on one line of the form.

Attached by way of background information, please find a copy of the full report of the Rental Registration Committee and the Complete Rental Registration Ordinance as initially approved.

### 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 first passage of an Ordinance, Amending Chapter 18, Article VI, Section 18-96 (f) to the Code of Ordinances – Registration Process Requirement for Multi-Family Buildings and to continue the Public Hearing to the next regularly scheduled meeting.

**Ordinance, Amending** Chapter 18, Article VI, Section 18-96 (f) to the Code or Ordinances – Registration Process Requirement for Multi-Family Buildings.

The City of Lewiston Ordains that Chapter 18, Article VI, Section 18-96 (f) of the Code of Ordinances, Registration Process Requirement for Multi-Family Buildings, is hereby amended as follows:

**18-96. Registration Process and Requirements.**

A registration application shall be made to the City Clerk's Office on a form furnished by the City Clerk and shall include the following information:

- (a) Name, business or residence address, cell and primary telephone numbers, and email address of the Legal Owner or owners of the building;
- (b) Name, business or residence address, cell and primary telephone numbers, and email address of the Business Operator of the building;
- (c) Name, business or residence address, cell and primary telephone numbers, and email address of the Property Manager of the building. This is the individual with whom the City will schedule inspections and who takes responsibility for maintaining the building, including responding to emergencies occurring during business hours. This individual may be the Legal Owner or the Business Operator
- (d) Emergency Contact. The name, business or residence address, cell and primary telephone numbers, and e-mail address for the city's primary contact for after hours emergencies at the building.
- (e) Street address, map and lot, and real estate tax identification number of the building.
- (f) Number and type of dwelling units within the building. For each ~~dwelling-unit~~building, the number of floors~~number~~, number of units by bedroom count, unit number and/or letter and/or designation, bedroom count, and the number of vacant units~~whether the unit is or is not occupied~~ must be provided.
- (g) The year the building was constructed and documentation, if any, of the buildings lead free or lead safe status.
- (h) Whether the building has a monitored or supervised fire alarm or sprinkler system.

Any Changes to the information required in (a), (b), (c), and (d) that occur more than thirty days in advance of the date of the next required registration must be reported to the city clerk within fifteen days of its occurrence.

All owners must allow on-site inspections of their buildings by the city including, without limitations, all rental units. Failure to allow such inspections will result in revocation of the building's registration.

All Multi-family buildings must be registered prior to March 1, 2020.

## **CHAPTER 18. BUILDINGS AND BUILDING REGULATIONS**

### **Article VI. Registration Requirement for multi-family buildings**

#### **18-91. Purpose; intent.**

The city has a large number of multi-family buildings, many of which are older and present property owners and managers significant challenges regarding upkeep and maintenance while placing a significant burden on the city's code enforcement efforts. The number of real estate proprietorships, partnerships, and corporations that own buildings in the city, sometimes managed through property management companies, creates challenges to the proper enforcement of the city's fire, building, and property maintenance codes, all of which are designed to ensure the public safety and welfare of residents.

The purpose of this article is to: require disclosure of the ownership of these buildings; identify those responsible for maintaining them and responding to violations identified through city inspections; ensure the city has access to contact information on the individual who is responsible for responding to emergencies; provide basic information on these buildings to allow the city to effectively develop and implement housing policies and programs; and provide residents, including both owners and renters, accurate, complete, and transparent data about the city's Multi-Family housing stock. Information priorities include:

- (a) Accurate, up-to-date, and complete ownership, management, and contact information for every Multi-Family building;
- (b) An accurate inventory of dwelling unit quantity and configuration; and
- (c) An accurate assessment of certain items that impact the health and safety of dwelling units.

#### **18-92. Definitions.**

The following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this article, which are defined in articles adopted by reference, have the meanings ascribed to them as stated in those articles.

**Business Operator:** A specific individual person, not a corporation or partnership, with a legal ownership interest in a property who makes financial, maintenance, and policy decisions.

**Emergency Contact:** The individual who responds to emergency after hour calls from tenants and public safety personnel.

**Legal Owner:** The individual or legal entity, such as an LLC or LP, holding the deed to the property.

**Multi-Family Building:** A detached building in common ownership interest containing three (3) or more dwelling units designed for residential use and occupancy by three (3) or more families living independently of one another, including mixed use buildings, that is not a single-family dwelling, excluding Boarding and Lodging Houses or such other buildings that are separately licensed by the City or the State of Maine.

Property Management Company, Property Manager: An individual or business entity, which may be the Building Owner, Business Operator, or a party that has no ownership stake in a property, that serves as property manager on behalf of and at the direction of the Business Operator or Legal Owner; an individual or business entity that maintains and repairs the physical property and often manages tenant relationships and routine matters involving the property. The Property Manager serves as the primary contact for the City, its inspectors, and tenants.

Rent: Payments made for the use of a premises, including, but not limited to, money, services, trade, or a combination thereof; or the sharing of housing expenses with persons not part of the homeowner's immediate family.

**18-93. Applicability; exceptions.**

- (a) The provisions of this article apply to all Multi-Family Buildings except as noted in (b).
- (b) The provisions of this article do not apply to single family dwelling units; dwelling units in cooperative, condominium, or townhouse buildings where no one entity owns more than two dwelling units; lodging houses, hotels, motels, or bed and breakfasts; hospitals; convalescent, rest, or nursing homes; residential care or congregate care facilities or other institutional beds or rooms used for medical or mental health treatment services otherwise licensed by the city or state; or mobile home parks.

**18-94. Registration required.**

All Multi-Family buildings in which rental housing is located must be individually registered with the city, at no cost, under the terms of this article. No person, including without limitation a legal owner, owner's associate, real estate broker, associate real estate broker, real estate agent, business operator, or property manager, shall allow any rental housing unit to be occupied, or let or offer to another any Multi-Family rental housing unit for occupancy, or charge, accept or retain rent for any dwelling unit, unless the Legal Owner, the Business Operator, or the Property Manager has registered under the terms of this article. Any person carrying on such a business activity without registering is in violation of this article.

A registration certificate will be issued to the Legal Owner of the building named on the approved registration form or, at the request of the Legal Owner, to the Property Manager. One certificate will be issued for each building. The certificate for each building shall include emergency contact information for that building.

The registration certificate, or a facsimile thereof, shall be posted and shall remain posted in close proximity to the main entrance of the structure in an area that is easily accessible to tenants during the full period the registration is in effect.

Such registration is voided upon the sale or transfer of the building to a new owner.

**18-95. Renewal; term.**

Before March 1 of each year, the Legal Owner, the Business Operator, or the Property Manager shall submit a registration application for each Multi-Family building. Within 60 days of purchasing or transferring the ownership of such building, or converting a building into a Multi-Family property including through the addition of more units, the Legal Owner, the Business

Operator, or the Property Manager shall register the building. Newly constructed Multi-Family buildings must be registered within 30 days of the date the city issues a certificate of occupancy. All registrations expire at the end of February.

#### **18-96. Registration Process and Requirements.**

A registration application shall be made to the City Clerk's Office on a form furnished by the City Clerk and shall include the following information:

- (a) Name, business or residence address, cell and primary telephone numbers, and email address of the Legal Owner or owners of the building;
- (b) Name, business or residence address, cell and primary telephone numbers, and email address of the Business Operator of the building;
- (c) Name, business or residence address, cell and primary telephone numbers, and email address of the Property Manager of the building. This is the individual with whom the City will schedule inspections and who takes responsibility for maintaining the building, including responding to emergencies occurring during business hours. This individual may be the Legal Owner or the Business Operator
- (d) Emergency Contact. The name, business or residence address, cell and primary telephone numbers, and e-mail address for the city's primary contact for after hours emergencies at the building.
- (e) Street address, map and lot, and real estate tax identification number of the building.
- (f) Number and type of dwelling units within the building. For each dwelling unit, the floor number, unit number and/or letter and/or designation, bedroom count, and whether the unit is or is not occupied must be provided.
- (g) The year the building was constructed and documentation, if any, of the buildings lead free or lead safe status.
- (h) Whether the building has a monitored or supervised fire alarm or sprinkler system.

Any Changes to the information required in (a), (b), (c), and (d) that occur more than thirty days in advance of the date of the next required registration must be reported to the city clerk within fifteen days of its occurrence.

All owners must allow on-site inspections of their buildings by the city including, without limitations, all rental units. Failure to allow such inspections will result in revocation of the building's registration.

All Multi-family buildings must be registered prior to March 1, 2020.

#### **18-97. Rejection of Registration**

The city clerk may reject any registration application where the application is incomplete or has been determined to include inaccurate information. Buildings with rejected registrations will be considered unregistered.

#### **18-98. Unregistered multi-family buildings.**

Any person failing to register a multi-family building or failing to comply with any other requirement of this article shall be in violation of this article and subject to a civil penalty enforced by the code enforcement office and a fine as established by the city council.

Unregistered multi-family buildings are not eligible for any City administered state, federal, or city-sponsored loans or grants or other city-sponsored or provided programs that are available through separate applications and which are not universally provided to all multi-family buildings.

**18-99. Appeals.**

The Zoning Board of Appeals shall hear appeals of orders, decisions, or determinations made relative to application and interpretations of this article. Appeals to the Zoning Board of Appeals shall be submitted as otherwise set forth in City Code regarding administrative appeals, subject to the payment of any fees as may be determined by the municipal officers from time to time.

**18-100. Severability.**

If any clause, sentence, paragraph, section, article, or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**FINAL REPORT  
AD-HOC COMMITTEE ON  
RENTAL REGISTRATION  
MARCH 2019**

**MEMBERS OF THE RENTAL REGISTRATION COMMITTEE**

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

## Introduction

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

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

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

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

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

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

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

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

### **Recommendation on May 15, 2018 Rental Registration Proposal**

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

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

### **Rental Registration Committee Goals and Recommendations**

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

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

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

Recommendations on each of these goals are outlined below.

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

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

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

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

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

B. Provide City Staff with Improved Technology

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

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

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

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

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

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

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

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

E. Continue Dangerous Building Enforcement and Demolition Program

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

F. Implement a Lead Safe On-Line Registry

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

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

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

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

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

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

- A. Upgrade the City's current Code Enforcement system (Energov) by, first, enhancing the ability to view all data about a specific property through inquiry by address and, second, implementing the Public Portal element of this software that will provide web based access to Code data by the public.
- B. Assessing should begin to gather additional information about multi-family properties to include the number of units by bedroom size and other useful information.
- C. Adopt a data collection system geared directly toward gathering information useful to the City and the public such as owner and emergency contact information<sup>1</sup>.

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

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

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

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

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

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

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

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

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

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

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

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**Supplemental Committee Reports**

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

## **Registration Program for Multi-Family Properties Lewiston, Maine (5th Draft, 3/15/2019)**

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

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

### **Definitions:**

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

### **Registration Requirements:**

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

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

Scope and Timeline:

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

## Appendix: Registration Data Examples for Business Operators

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

**CONTACT INFO**                      **Required**   **Optional**   **Confidential**   **Corporate Sample**                      **Individual Sample**

### Legal Owner

Name				JLW Property Stewards, LLC	Gregory Jones
Charter #				20185219DC	
Clerk/Agent Name				Nathaniel Huckel-Bauer	
Clerk/Agent Mailing Address				Drummond & Drummond One Monument Way Portland, ME 04101	100 Horton Street Lewiston, ME 04240
Clerk/Agent Email Address				nhuckel-bauer@ddlaw.com	gregoryjones@gmail.com
Clerk/Agent Phone				207-774-0317	207-415-3333

### Business Operator

Name				Amy Smith	Gregory Jones
Business Mailing Address				PO Box 383, Lewiston, ME	100 Horton Street
Business Email Address				amy@jlwstewards.com	
Business Phone				207-415-4245	
Personal Mailing Address				11 Kellogg St, Portland, ME	
Personal Email Address				amysmith@gmail.com	gregoryjones@gmail.com
Personal Phone				207-444-5555	207-415-3333

### Property Manager

Business Name				Focus Property Management	
Business Owner Name				Jack Abbott	Gregory Jones
Business Mailing Address				123 Main St, Lewiston	100 Horton Street
Business Email Address				focusproperties@gmail.com	
Business Phone				207-666-5555	
Properties Under Mgmt				List of Addresses	100 Horton Street

### Emergency Contact

Name				Jack Abbott	Gregory Jones
Email Address				focusproperties@gmail.com	
Phone				207-666-5555	207-415-3333

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

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

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

**Supporting Recommendations for “Registration Program for Multi-Family Properties”**  
**Lewiston, Maine (4th Draft, 3/15/2019)**

Information Sharing

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

Implementation Details and Recommendations

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

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

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

**3/27/2019**

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

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

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

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

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

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

**3/8/2019**

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

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

## **Other Information**

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

### **Attachments:**

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



COUNCIL RESOLVE

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

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

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

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

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

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

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

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

1. Purpose.

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

2. Duties. The committee shall

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

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

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

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

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



## EXECUTIVE DEPARTMENT

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

August 14, 2018

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

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

### GENERAL INFORMATION ON PROPERTIES IN LEWISTON

#### Property Mix

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

#### SUMMARY -- BUILDING SIZE BY UNIT COUNT

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

#### Property Age

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

SUMMARY THREE UNIT BUILDINGS BY YEAR BUILT

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

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

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

Lead Concerns

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

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

INSPECTION PROGRAM

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

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

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

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

## GENERAL ASSISTANCE VOUCHERS

### Number of Vouchers

The City's general assistance program primarily provides rental housing to its clients. In recent years, the average number of rental vouchers per month has ranged from 238 in City fiscal year 2018 to 351 in 2017, a number more typical of recent history<sup>1</sup>. Assuming the City is "renting" 351 apartments in a given month, this represents about 5.1% of the available units in buildings with 3 or more units. If duplexes are included, the percentage falls to 3.9%. At the more recent level of 238 per month, the city percentages fall to 3.5% and 2.6% respectively.

### Value of Vouchers

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

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

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

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

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

#### Demolitions

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

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



## CITY OF LEWISTON

**Edward A. Barrett**  
**City Administrator**

August 24, 2018

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

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

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

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

### A TALE OF ONE PROPERTY

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

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

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

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

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

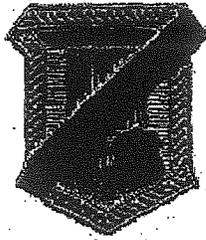
#### ISSUES FOR COMMITTEE CONSIDERATION

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

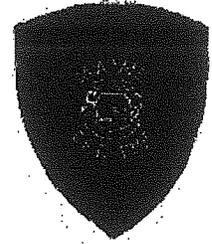
Is the current disorderly property policy adequate to identify properties that should be addressed? Should the policy be adopted as an ordinance including fines and penalties for failure to address problems? Why, in this instance, did a responsive owner not know about what was happening at and around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

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

RESPONSE TO “DISORDERLY” PROPERTIES



*Lewiston Police Department  
Lewiston, Maine*



**STANDARD OPERATING  
PROCEDURES**



**RESPONSE TO “DISORDERLY” PROPERTIES**

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

**I. PURPOSE**

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

**II. POLICY**

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

LEWISTON, MAINE, POLICE DEPARTMENT – STANDARD OPERATING PROCEDURES

RESPONSE TO “DISORDERLY” PROPERTIES

**III. DEFINITIONS**

**A. “Disorderly Conduct”**

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

*Similar Activities include, but are not limited to:*

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

**B. “Disorderly Property”**

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

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

# LEWISTON, MAINE, POLICE DEPARTMENT – STANDARD OPERATING PROCEDURES

## RESPONSE TO “DISORDERLY” PROPERTIES

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

### IV. PROCEDURE

#### A. Administration

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

#### B. Official Notice

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

#### C. Meeting

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

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

# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 7, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

**SUBJECT:** Public Hearing and First Passage for Ordinance, Adopting a New Chapter 71 to the Code of Ordinances Regulating Above Ground Power, Fiber, and Telecommunications Installations, Including Utility Poles in the Public Right-

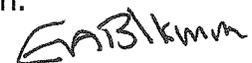
**INFORMATION:** Cellular providers are in the process of installing what are known as "small cell" facilities to either fill in areas of excess demand, where a coverage gap exists, or, eventually, to provide 5G service. These small cells are most often installed on or on top of shared use utility poles. As we move toward 5G, these facilities, which have limited range, will have to be placed within as close as 300 feet to each other, depending on surrounding buildings and topography. Given that the trend appears to be for each major cell provider to install its own small cells, we are looking at the potential for as many as 3-5 such installations within a relatively confined area. Such installations may also be required in historic districts and/or areas where utility infrastructure is required to be underground, raising aesthetic concerns. We currently have no regulations in place to govern such installations, other than a simple requirement that they obtain a pole permit to be located in our right-of-way.

At the same time, the City has consistently confronted issues associated with the placement of utility poles in our right of way. While this is a right granted to utilities at no cost by state law, it does impact the city since these poles are in our right of way, we must grant them a permit, and we often have to work around them to undertake routine maintenance efforts such as sidewalk plowing. Until recently, the State limited what could be charged for a so-called pole permit to \$10, far less than our actual costs to issue the permit. Given this, and working with a template provided by Maine Municipal Association, staff has drafted an ordinance that will allow us, within some rather strict limitations imposed by the Federal Communications Commission, to exercise some regulation over pole and small cell placement. In addition, we will be recommending that a new fee structure be established for both pole and small cell location permits in accordance with fee guidance provided by the FCC.

A draft ordinance is attached.

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

The City Administrator recommends approval of the requested action.



### REQUESTED ACTION:

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To approve first reading of an Ordinance, Adopting a New Chapter 71 to the Code of Ordinances Regulating Above Ground Power, Fiber, and Telecommunications Installations, Including Utility Poles in the Public Right-of-Way and Continuing the Public Hearing to the Next Regular City Council Meeting.



## EXECUTIVE DEPARTMENT

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

December 31, 2020

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: Regulation of Small Cell Installations and Utility Poles

This proposed ordinance has been developed in an effort to address two issues: first, the placement of utility poles in the City's rights-of-way and, second, the anticipated installation of a significant number of small cell cellular units throughout the community intended either to supplement existing service by reaching dead spots, adding capacity where there is high demand, or extending the next generation cellular service known as 5G. This memo attempts to briefly outline what is proposed.

### Utility Poles in the Right-of-Way

Under Maine law, public utilities have free right of access to the City's right-of-way. The utilities must, however, obtain a so-called "pole" permit from the City for each pole installed. In many instances, these poles are owned by one utility, for example the electric company, which then charges other utilities that co-locate their facilities on them. In addition, in return for no cost location in the right-of-way, utilities are required to permit municipalities to attach to these poles for traditional public health and safety purposes. Historically, other utilities have used this so-called municipal space when the municipality has left it vacant and, when the municipality decided to use it, the utility charged the city for the cost of relocating their "trespassing" equipment, a so-called "make ready fee."

Until recently, the state limited the fee for a pole permit to \$10, significantly less than what it actually costs us to process the permit application and have our engineering staff review the location and installation information. That \$10 limit has now been repealed. (As a side note, many states allow municipalities to charge utilities franchise fees for use of the right of way, normally based on a percentage of the gross receipts received by the utility from that municipality. Maine does not.)

Over the years, we have encountered numerous issues with utility poles including: installation in a manner which violates ADA minimum sidewalk width requirements, guide wires or supports that are located too low for our sidewalk plows to clear, poles that remain in the ground for long periods after new poles have been placed waiting for the various utilities to change over their installations or simply waiting for the owner to remove them, and delays caused when utilities do not act quickly enough to relocate their

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poles when the City is undertaking an infrastructure project that requires relocation. All of this has been further complicated over the years to the extent that municipalities have not rigorously reviewed applications to ensure that issues were avoided.

## Article 1: Utility Poles in the Right of Way

This Article:

- Clarifies the information that must be included on the permit application;
- Sets forth location criteria to avoid or minimize ADA sidewalk violations;
- Clarifies when a replacement pole must apply for a new permit, that it must meet ADA standards, and that replaced poles must be removed within 180 days of the new pole being in place;
- Requires that any unsafe condition associated with a pole installation, guy wire, or anchor must be immediately mitigated and then corrected through a plan approved by the Public Works Director;
- Adds to our ordinances a clear statement that the municipal space on poles will be available to the City free of charge and without make ready fees, reflecting a recent change in state law that prohibits such charges;
- Requires that poles be relocated to make way for City infrastructure projects within 180 days of notice from the City
- Allows for new permit application fees and penalties for violations.

The overall intent of this article is to give the City a more appropriate ability to mitigate the issues that can be created by poles while permitting utilities to place them as needed to serve the public.

## Article 2: Small Cell Wireless Telecommunications Facilities Siting Ordinance

The largest portion of the proposed ordinance deals with siting small cell installations. A proposed local regulatory framework developed out of conversations between municipalities and telecom providers around the issue of developing a consistent approach that would avoid providers having to deal with each community's zoning ordinance and Planning Board and their unique requirements.

During the last legislative session, these companies and the Maine Municipal Association worked together on state legislation that, first, exempted small cell from local zoning and land use ordinances but that, second, allowed for some basic regulatory authority at the local level consistent with Federal Communications Commission regulations, which limit the extent of local authority. The net result is a system that allows for the expansion of advanced telecommunications services throughout the state while establishing clear guidelines, standards, and time frames for the exercise of municipal regulatory authority.

The proposed ordinance:

- Requires that new small cell installations be permitted and that existing non-permitted installations apply for an after the fact permit with application fees waived if they comply in a timely manner;
- Clearly states that these facilities are allowed within all city zoning districts;
- Outlines the permitting process including the documentations that must be provided;
- Establishes a preference for these facilities to be collocated on existing poles or facilities while establishing standards for when a stand-alone facility can be approved;
- Require the owners of new poles for small cell installations to allow for reasonable shared use by collocating utilities;
- Authorizes fees for applications, attachments to city-owned poles, and penalties for failure to secure after the fact permits;
- Requires that a public notice of a proposed installation be provided and that abutters to the location may file an objection;
- Outlines the standards for approval of a permit;
- Specifies that, to the largest degree possible, the facility have no unreasonable adverse impact on sites or districts that are historic, areas designated for revitalization including streetscape improvements, areas where utilities are located underground, and identified scenic resources;
- Requires timely removal of these facilities by the owner when abandoned;
- Applies the penalties specified in State Law for violation of municipal land use laws and ordinances to violations of this ordinance. (Generally, a minimum penalty of \$100 and a maximum of \$2,500 per day of continuing violations. Note, however, that the ordinance also provides the City with the authority to enter into administrative consent agreements to address violations under which these penalties can be negotiated.)
- Specifies that appeals of any administrative action goes to the Board of Appeals;

The proliferation of small cell installations has resulted in controversy in some communities where their sudden appearance has come as a surprise to residents and municipal officials. While the FCC has significantly restricted the ability of local governments to regulate the adoption of this technology, some basic standards, such as those included in this ordinance, are allowed and have been authorized in state law as part of an agreement developed between the Maine Municipal Association and the telecom providers that was presented to and accepted by the Maine Legislature.

Given this, we believe this ordinance is a good starting point from which to address small cell expansion. At the same time, we recognize that this is an evolving issue and future changes and adjustment may be required.

**Ordinance, Adopting a New Chapter 71 to the Code of Ordinances Regulating Above Ground Power, Fiber, and Telecommunications Installations, Including Utility Poles in the Public Right-of-Way and Repealing Section 66-8 (b) of the Code Dealing with Placement of Poles Within the Right of Way.**

The City of Lewiston Ordains that a New Chapter 71 to the Code of Ordinances – Above Ground Power, Fiber, and Telecommunications is hereby adopted as follows:

**Chapter 71**

**Above Ground Power, Fiber, and Telecommunications**

**Article 1**

**Utility Poles in the Right of Way**

**Section 71-10 Scope, Authority to Regulate, and Utility Poles in City Right of Way**

The City of Lewiston’s street rights-of-way are a critical City asset serving many purposes including, vehicular traffic, bicycle traffic, pedestrian traffic, hosting utilities and providing an aesthetic to the City. It is in the City’s interest to manage these rights-of-way to balance these uses in a manner that best serves its citizens, their safety, wellbeing and prosperity. The purpose of this Article is to manage above ground utility poles in a manner that achieves this balance and meets State and Federal law for utility accommodation and Americans With Disabilities Act (ADA) requirements.

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A., Section 3001 (Home Rule), the provisions of the Planning and Land Use Regulation Act, Title 30- A M.R.S.A., Section 4312 et seq. Also, specific to above ground utilities, Public Utilities, Regulation of Facilities in the Public Way, Title 35-A, Chapter 25.

**Sec. 71—11. Definitions.**

"Make-ready work" means the rearrangement or transfer of existing facilities, replacement of a pole, complete removal of any pole replaced, or any other changes required to make space available for an additional attachment to a shared-use pole.

**Sec. 71—12. Permitting New Poles**

Permitting new poles shall be done through the City Clerk in accordance with MRSA 35-A, Chapter 12, Section 250. Applications must include:

- Name and address of the applicant,
- Proposed date of installation,
- Purpose and use of the new installation,
- Co-located utilities anticipated,

- Location sketch of the new installation with field-measured distances to key features such as curbs, catch basins, underground utilities, trees, buildings and sidewalk features, where applicable,
- Minimum height of wires and other fixtures,
- Proposed guy wires or anchors including their proposed location.
- Acknowledgment that the proposed location has been marked in the field for review,
- Proposed date of installation, and
- Other site-specific pertinent and reasonable information requested by the Public Works Director.

The application shall include payment for a review fee established by policy adopted by the City Council and listed in a schedule in the City’s Master Policy 81, Miscellaneous Fees and Penalties.

The City Clerk will coordinate a review of such applications with the Director of Public Works and other Departments, as appropriate, and will issue a written permit or denial within 30 days of receiving a complete application.

**Sec. 71—13. Sidewalks and ADA**

Poles associated with public utilities may only be placed within a sidewalk if such placement maintains a minimum 60 inches of unobstructed sidewalk width and is not inconsistent with the Federal American with Disabilities Act design features.

An applicant for a pole permit may seek a waiver from this requirement upon a showing to the satisfaction of the Public Works Director that there exists no practicable alternative that would allow for maintaining utility services to adjacent properties. Upon such a showing, the Director may reduce the minimum width of unobstructed sidewalk to no less than 54 inches at locations where no other structures or obstructions are present that would otherwise limit the ability to plow city sidewalks and no less than 48 inches where other existing obstructions exist that prohibit sidewalk plowing. Any guy wires or other appurtenances associated with utility poles and extending over any sidewalk must provide for a minimum 7 feet of clearance above the sidewalk.

A violation of this section shall be subject to a minimum fine as established by policy adopted by the City Council and listed in a schedule in the City’s Master Policy 81, Miscellaneous Fees and Penalties. Additionally the Utility will be required to relocate any object violating these standards and repair any damage done to the sidewalk or maintained lawn as a result of such work.

**Sec. 71—14. Replacement Poles and Unsafe Conditions**

Replacement poles do not require a new permit under most circumstances. However, to maintain the right-of way for all allowed uses, including the free flow of pedestrian and vehicular traffic, the replacement pole must not infringe on other uses of the right of way. Replacement poles must meet the requirements in Section 71-13 Sidewalks and ADA. If a replacement pole is proposed that will further infringe on the standards above, then a New Pole Permit will be

required per Section 71-12. Permitting New Poles. In no case shall a new or replacement pole restrict access to less than ADA design standards.

Replaced poles must be removed from the right of way and sidewalk and lawn repairs made within 180 days of placement of the replacement pole. All coordination with collocated utilities is the responsibility of the pole Owner.

If the Public Works Director identifies a potentially unsafe condition related to a pole installation, guy wire or anchor, the pole Owner will be notified in writing. The pole Owner shall respond to the Public Works Director within 30 days of such notice with their plans to mitigate the potential safety condition. After an acceptable plan is approved by the Public Works Director, the work must be completed within thirty days unless the Public Works Director grants and extension related to winter conditions. Prior to correction, the Owner is required to take the necessary steps to provide such temporary measures as are necessary to ensure public safety.

A violation of this section shall be subject to a minimum fine as established by policy adopted by the City Council and listed in a schedule in the City's Master Policy 81, Miscellaneous Fees and Penalties

#### **Sec. 71-15 Municipal Space on Existing or New Poles**

In accordance with An Act to Establish Municipal Access to Utility Poles Located in the Municipal Rights-of-Way, MRSA Title 35-A, Chapter 25, section 2524 and other applicable State law, space shall be made available on each pole, below the electric power company's wires and above the telephone and or cable television company's lines or cables. This space shall be reserved on all poles planted within the City Right of Way. This space shall be available to the City purposes, free of charge including no make ready fees.

In order to safeguard access to infrastructure essential to public health, safety and welfare, an Owner of a shared-use pole and each entity attaching to that pole is responsible for that Owner's or entity's own expenses for make-ready work to accommodate the City attaching its facilities to that shared-use pole.

#### **Sec 71-16 Permit Revocations -- Highway and Sidewalk Projects**

The City of Lewiston will notify Utilities owning poles, guy wires and anchors within the City's right-of-way of the need to relocate their facilities due to a highway or sidewalk construction project, in writing no less than 180 days prior to commencement of construction. City Engineers will work with the Utility as the project is designed. It is the pole Owner's responsibility to coordinate with all co-located utilities. All costs for the pole, guy wire or anchor relocation shall be the responsibility of the pole Owner and collocated utilities.

If the poles are not moved within the 180 days or a date agreed to in writing between the Owner and Director of Public Works, the City Clerk may revoke the pole permits for the subject poles and may assess the pole Owner a daily fine established by policy adopted by the City Council and listed in in a schedule in the City's Master Policy 81, Miscellaneous Fees and Penalties.

## Article 2

### Small Cell Wireless Telecommunications Facilities Siting Ordinance

#### Sec. 71-20. Authority and Purpose

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A., Section 3001 (Home Rule), the provisions of the Planning and Land Use Regulation Act, Title 30- A M.R.S.A., Section 4312 et seq. Also Specific to Small Wireless Facilities Title 30- A M.R.S.A., Section 4362 An Act to Facilitate Deployment of Small Cell Wireless Facilities in Maine and Public Utilities, Regulation of Facilities in the Public Way Title 35-A, Chapter 25.

The purpose of this ordinance is to provide a process and a set of standards for the construction and placement of small cell wireless telecommunications facilities along municipal rights of way and on other properties within the municipality's jurisdiction in order to:

- Implement a municipal policy concerning siting of small cell wireless telecommunications facilities;
- Establish clear guidelines, standards and periods for the exercise of municipal authority to regulate small cell wireless telecommunications facilities;
- Allow competition in small cell wireless telecommunications service while minimizing redundant facilities;
- Encourage the provision of advanced telecommunications services to the largest number of businesses, institutions and residents of Lewiston;
- Ensure protection of the public health, safety and welfare;
- Encourage the colocation of small cell wireless telecommunications facilities;
- Further the goals and policies of the comprehensive plan while promoting orderly development of the city with minimal impacts on existing uses;
- Protect the scenic and visual character of the community;
- Ensure aesthetic requirements are reasonable, no more burdensome than those applied to other telecommunication infrastructure deployments, and are made publicly available in advance; and
- Comply with the 2012 Spectrum Act and the Telecommunications Act of 1996 as each is amended.

In the event that applicable federal or state laws or regulations conflict with the requirements of this ordinance, the wireless provider shall comply with the requirements of this ordinance to the maximum extent possible without violating federal or state laws or regulations.

## Sec. 71-21. Definitions

The terms used in this ordinance shall have the following meanings:

*“Alternative Tower Structure”* Clock towers, bell steeples, joint use utility poles, light poles, water towers, electrical transmission line towers, smokestacks, existing buildings, and similar mounting structures that may support, or camouflage or conceal the presence of an Antenna(s).

*“Antenna/Antenna Array”* A system of one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals. These include, but are not limited to, omnidirectional antennas (whips or rods), directional antennas (panels) and parabolic antennas (dish or disc).

*“Antenna Height”* means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

*“Colocation”* means the use of a wireless telecommunications facility by more than one wireless telecommunications provider or the use of a utility facility, such as a pole, by multiple public utilities including wireless telecommunications providers.

*“Decorative Pole”* means a municipal pole that is specially designed and placed for aesthetic purposes.

*“Designated Scenic Resource”* means that specific location, view, or corridor, as identified as a scenic resource in the municipality’s Comprehensive Plan or by a State or federal agency, that consists of:

1. a three dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such as a downtown skyline or mountain range, resulting in a panoramic view corridor; or
2. lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

*“Expansion”* means the addition of antennas, towers, or other devices to an existing structure or replacing existing installations with larger ones.

*“FAA”* means the Federal Aviation Administration, or its lawful successor.

*“FCC”* means the Federal Communications Commission, or its lawful successor.

*“Height”* means the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers,

church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

*“Historic or Archaeological Resources”* means resources that are:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the Secretary of the Interior through the Maine Historic Preservation Commission; or
5. Areas identified by a governmental agency, such as the Maine Historic Preservation Commission, as having significant value as an historic or archaeological resource and any areas identified in the municipality’s Comprehensive Plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

*“Historic District”* means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality’s Comprehensive Plan or designated by the municipal legislative body for revitalization or preservation. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

*“Historic Landmark”* means any improvement, building or structure of particular historic or architectural significance to the municipality relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality’s Comprehensive Plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

*“Line of Sight”* means the direct view of the object from the designated scenic resource.

*“Parabolic Antenna”* (also known as a satellite dish antenna) means an antenna which is bowl-shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.

*“Principal Use”* means the use other than one which is wholly incidental or accessory to another use on the same premises.

*“Public Recreational Facility”* means a regionally or locally significant facility, as defined and identified either by State statute or in the municipality’s Comprehensive Plan, designed to serve the recreational needs of municipal property owners.

*“Small Cell Wireless Telecommunications Facility”* means a subset of Wireless Telecommunications Facilities that includes antenna, radio, power source and meter, disconnect switch, fiber optic cable,

and supporting equipment, where each antenna of which could fit within an enclosure of no more than 3 cubic feet and of which all associated wireless equipment, other than concealment elements, has a cumulative volume of no more than 28 cubic feet. (Also referred to throughout this ordinance as “small cell facility”).

*“Small Cell Facility - Colocated”* A Small Cell Wireless Telecommunications Facility that is installed on an Alternative Tower Structure instead of a new support structure.

*“Targeted Market Coverage Area”* means the area that is targeted to be served by the proposed telecommunications facility.

*“Unreasonable Adverse Impact”* means that the proposed project would produce an end result which is excessively out-of-character with the designated scenic resources affected, including existing buildings, structures, and features within the designated scenic resource and which would significantly diminish the scenic value of the designated scenic resource.

*“Viewpoint”* means that location which is identified either in the municipality’s Comprehensive Plan or by a federal or State agency and which serves as the basis for the location and determination of a particular designated scenic resource.

*“Wireless Telecommunications Facility”* means a facility that transmits, receives, distributes, provides or offers telecommunications services, radio or television signals, or any other spectrum-based transmissions/receptions, together with the facility’s associated antennas, microwave dishes, horns, cables, wires, conduits, ducts, lightning rods, electronics and other types of equipment for the transmission, receipt, distribution or offering of such signals; wireless communication towers, antenna support structures, and other structures supporting said equipment and any attachments to those structures including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveways and roads and other accessory features.

*“Wireless Telecommunications Facility—Colocated”* means a Wireless Telecommunications Facility that is installed on an Alternative Tower Structure instead of a new tower structure.

## **Sec. 71-22 Applicability and Exemptions**

This ordinance applies to all construction and expansion of small cell wireless telecommunications facilities, as defined herein, unless specifically exempted. It includes any existing small cell wireless telecommunication facilities in existence at the time this ordinance goes into effect.

The following are exempt from the provisions of this ordinance:

- A. *Emergency Wireless Telecommunications Facility.* Wireless communication facilities for emergency communications by public officials or any municipal or quasi-municipal organization currently serving the municipality of Lewiston.
- B. *Amateur (ham) radio stations.* Amateur (ham) radio stations licensed by the FCC.
- C. *Maintenance or repair.* Maintenance or repair of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

D. *Temporary wireless telecommunications facility.* Temporary wireless telecommunications facilities, in operation for a maximum period of one hundred eighty (180) days.

**Sec. 71-23. Review and Approval Authority**

No person shall install, construct, or expand any small cell wireless telecommunications facility within the City of Lewiston without obtaining approval in the form of a written permit from the City Clerk in the form of a location permit for:

- 1) any expansion or modification of an existing wireless telecommunications facility that increases the height or width of the facility;
- 2) accessory use of an existing wireless telecommunications facility;
- 3) colocation of a wireless telecommunications facility on an existing wireless telecommunications facility or alternative tower structure; or
- 4) installation of new or modification of existing small cell wireless telecommunications facilities.

The City Clerk shall review applications for small cell wireless telecommunications facilities and make written findings on whether the proposed facility complies with this ordinance. The City Clerk is authorized to call upon other city staff to assist in making this determination.

No small cell facility shall be constructed or expanded without a location permit issued by the City Clerk. Within 180 days of this ordinance becoming affective, the owners of all existing small cell telecommunications facilities within the city of Lewiston must apply for an after-the-fact permit(s). The Application fees shall be waived for existing facilities.

Notwithstanding any provision in any municipal ordinance to the contrary, small cell facilities and colocated small cell facilities shall be a permitted use in all zoning districts.

Nothing in this ordinance authorizes a person to locate or colocate small wireless facilities on property owned by a private party, including but not limited to wireless support structures and joint use utility poles, or property owned or controlled by the federal government, state government, or subdivision thereof, or the municipality, without the consent of the property owner.

**71-24. Application.**

All persons seeking permitting under this ordinance shall submit an application as provided below. The City Clerk shall be responsible for ensuring that notice of the application is provided to the Directors of Public Works and Planning and Code Enforcement.

Applications for permit approval by the City Clerk must include the following materials and information:

- A. Documentation of the applicant's right, title, or interest in the property where the facility is to be sited, including name and address of the property/facility owner and the applicant.

- B. A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.
- C. The location where each proposed small cell facility or utility pole would be installed, including photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small cell facility would be mounted or the location where utility poles or structures would be installed, including a depiction of the completed facility, a location map and elevation drawings of the proposed facility and any other proposed structures showing color and identifying structural materials.
- D. Identifying information including: (a) name, address, telephone number, and email address of the applicant and, where colocation is sought, of the owner(s) of the utility pole if different than the applicant; (b) utility pole, building or facility number or other identifying marking; and (c) address of nearest property;
- E. In instances where a stand-alone facility is proposed, the applicant must provide evidence demonstrating that no existing facility owned by the applicant or by others with whom the applicant, or others utilizing similar installations to those of the applicant, has previously co-located facilities can be utilized to provide the service proposed by the applicant, the evidence for which may consist of any one or more of the following:
  - 1. Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements; or
  - 2. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements; or
  - 3. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment; or
  - 4. Evidence that the applicant has made diligent good faith efforts to negotiate colocation on existing facilities, buildings, or structures in the vicinity of the proposed location and has been denied access or met with unreasonable terms for colocation; or
  - 5. Technical evidence that colocation on an existing facility would impede the functional operation of the applicant's proposed small cell facility or an existing wireless telecommunication facility to an extent that would significantly impair the function of the existing or proposed facility.

F. For proposed new small cell facility support structures including, but not limited to, new utility poles, a signed statement that commits the owner of the facility and his or her successors in interest to:

1. Respond in a timely, comprehensive manner to a request for information from a potential colocation applicant in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
2. Negotiate in good faith for shared use by third parties;
3. Allow shared use if an applicant agrees in writing to pay reasonable charges for colocation;
4. Require no more than a reasonable charge for shared use based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adopting the installation or equipment to accommodate a shared user without causing electromagnetic interference.

G. A form of surety acceptable to the municipality to guarantee payment for the costs of removing the facility if it is abandoned.

A written commitment to notify the municipality within thirty (30) days of cessation of use of any approved facilities and to remove such facilities within ninety (90) days of termination of use.

#### **71-25. Fees.**

All fees outlined below shall be set by the City Council in a schedule located in the City's Master Policy 81, Miscellaneous Fees and Penalties.

*Application Fee.* An application submitted to the City Clerk for approval shall include payment of an application fee. This fee includes typical costs for city staff review of a complete application and issuance of a permit. The application shall not be considered complete until this fee is paid.

*Attachment Fee.* An application for attachment to municipal facilities shall include payment of any applicable fees for new and/or renewed attachments. This fee includes typical cost for city staff review of a complete application, review by a professional engineer and issuance of a permit.

*After-the-Fact Application Penalty.* Where a small cell telecommunications facility has been installed without the required municipal permit, the applicant will be subject to a penalty in addition to meeting the application requirements and paying the required fees.

Permit applications for small cell telecommunication facilities in place when this ordinance became effective will not be charged an Application Fee or After-the-Fact Application Penalty unless an owner of

such a facilities does not submit the appropriate applications within 180 days of the effective date of this ordinance. In such case, both Application Fee and the After-the-Fact Allocation Penalty shall apply.

**71-26. Notice of Incomplete Application.**

Within ten (10) working days of receipt of an application, the City Clerk shall review the application and determine if the application meets the submission requirements. If the application is incomplete, the City Clerk shall notify the applicant in writing, specifying the additional materials, information, or action required to complete the application.

**71.27. Objection and Comment.**

The opportunity to file objection and comment on applications for placement of wireless facilities in the municipal right of way shall be afforded pursuant to Title 35-A, section 2503.

**71-28. Approval.** Within thirty (30) days of receiving a complete application for approval, the City Clerk shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. The City Clerk shall approve the application if the City Clerk finds the following:

- A. The small cell facility does not interfere with the safety and convenience of travel over the public right of way or other existing uses of the public right of way and shall not interfere with municipal emergency service communication equipment;
- B. The small cell facility is matched to the greatest extent practicable to the preexisting condition of the utility pole or nearby utility poles, including color and scale;
- C. No part of the small cell facility projects from the utility pole further than four (4) feet six (6) inches from its existing height and width and all such projections shall be a minimum of seven (7) feet above ground level, including utility meters. Where the applicant can show that no feasible alternative exists, installations below 7 feet must be separately approved in advance by the Director of Public Works or designee and be sited in such a manner as to not impede the normal and regular use of the public right of way by pedestrians, vehicles, or regular maintenance activities.
- D. The permittee agrees to comply with all local ordinances and state and federal laws;
- E. The permittee is able to satisfy the requirements detailed in Section 30.

The time period for approval may be extended upon agreement between the applicant and the City Clerk.

**71-29. Permit Duration.**

Location permits issued pursuant to this ordinance shall expire if construction of the proposed facility is not commenced within 12 months of the permit date or if construction is suspended for more than six months. The City Clerk is not required, but may agree, to extend the period within which construction must commence

### 71-30. Standards of Review

All small cell wireless telecommunications facilities, regardless of location, are required to comply with applicable municipal policies and ordinances. Applications for the placement of small cell facilities must comply with the standards in this section in order to obtain approval from the City Clerk.

- A. Location on Municipal Property.** Proposals to locate new small cell wireless telecommunications facilities on municipal property, or to expand or replace existing small cell facilities on municipal property other than the municipal right of way, must:

  - 1) Provide satisfactory evidence of non-interference with the current or intended use of the property where the facility or expansion is to be sited;
  - 2) Provide adequate liability insurance coverage in amounts and types required by the municipality;
  - 3) Include an agreement with the municipality, including any provisions deemed by the municipality to be necessary to ensure the protection of the public interest, as well as reasonable and lawful terms of compensation for the use of the municipal property.
- B. Attachment.** For facilities proposed as an expansion, accessory use, or colocation to a structure legally existing at the time the application is submitted, the attachment may not cause the existing structure to become non-conforming, nor may the attachment increase the non-conformance of a structure that is otherwise legally non-conforming, including compliance with the Americans with Disabilities Act,.
- C. Permission.** The applicant has sufficient right, title, or interest to locate the proposed facility on the new or existing structure.
- D. Height.** The proposed facility increases the height of existing structures by no more than four (4) feet six (6) inches.
- E. Conformance.** The proposed facility shall be constructed with materials and muted colors that match or blend with the surrounding natural or built environment, and existing non-invasive plants and natural land forms on the site shall be preserved to the maximum extent reasonably practicable. Additionally, small cell facility owners and operators shall comply with:

  - 1. Any existing requirements that have been imposed by a contract between the municipality and a private property owner that concerns design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way;
  - 2. Spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way;
- F. Preservation.** The proposed facility, to the greatest degree practicable, shall have no unreasonable adverse impact on districts, sites, buildings, structures, or objects significant in American history, architecture, archaeology, engineering or culture, that are:

1. Listed, or are eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800); or
2. Included within a nationally or locally designated historic district or district of special sensitivity, such as areas where the city requires utilities to be located underground or where they are excluded from placing poles or above ground installations. Installations in such areas must first provide proof that no reasonable and economically feasible alternatives exist; or
3. In an area programmed by the City through its Comprehensive Plan, or designated by its legislative body, for revitalization that includes, but is not limited to, current or future streetscape improvements.

Small cell facility installations in the areas described above shall comply with written design standards that are generally applicable to installations such as decorative utility poles, or conform to reasonable stealth, concealment and aesthetic requirements established by or deemed acceptable to the municipality to the extent that such requirements or similar requirements apply to other occupiers of the rights-of-way, including but not limited to those adjacent to an historic landmark or in a historic district. Installations within an historic district or adjacent to an historic structure must apply for and receive a separate certificate of appropriateness from the City's Historic Preservation Commission.

Where overhead utilities lines have been put underground such that there are decorative street light poles and no other utility poles, small cell facilities must be incorporated into Options A or B:

Option A. The interior or base of the existing decorative pole without change to the outward appearance of the pole; or

Option B. New streetlight poles of substantially similar design that can accommodate the small cell facilities.

Under option B, unless the applicant and Director of Public Works are able to agree to mutually agreeable terms of ownership, maintenance, and replacement, the applicant shall be responsible for the cost of installing, maintaining, and operating the requisite new streetlight poles.

Under either option A or B, the volume of the base of the small cell facility is limited to 25 cubic feet.

- G. Lighting.** A new small cell facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable.
- H. Structural Integrity.** Owners of new small cell facilities are responsible for ensuring ongoing compliance of their facilities with all applicable structural engineering standards adopted, enforced, or recognized by the State of Maine.

- I. **Visual Impact.** The proposed small cell facility will have no unreasonable adverse impact upon designated scenic resources within the municipality, as identified either in the municipality's Comprehensive Plan or by a State or federal agency.
- J. **Frequency Emissions Compliance.** The applicant shall certify compliance with all applicable FCC radio frequency emissions regulations as a requirement of its permit application.

#### **71-31. Conditions of Approval**

- A. **Standard Conditions.** The following standard conditions of approval shall be a part of any approval or conditional approval issued by the City Clerk. Reference to the conditions of approval shall be clearly noted on the final approved plan and shall include agreement by the owner of the small cell wireless telecommunications facility, and successors and assignees, to comply with the conditions set forth in this section.
- B. **Interference with Municipal Services Prohibited.** New small cell wireless telecommunications facilities shall not interfere with municipal services including, but not limited to, emergency communications networks, municipal wireless internet, traffic signals, and other municipal smart infrastructure systems.
- C. **New Location Order.** New small cell wireless telecommunications facilities must be located according to the following order. The City Clerk may permit applications at a subsequent local level only once the applicant has demonstrated, to the Directors of Public Works and Planning and Code or their designee's satisfaction, the existence of a basis on which the prior location order level(s) is not obtainable due to one or more of the conditions cited in Section 24 E of this ordinance.
  - 1. Colocation on existing wireless telecommunications facility support structures including but not limited to towers;
  - 2. Colocation on an existing joint use pole or other joint use structures;
  - 3. Location on other existing structures including, but not limited to, buildings, provided such installation preserves the character and integrity of those structures;
  - 4. Location on municipal buildings or facilities, or location on a new pole to be installed by the applicant, depending on the municipality's preference.

This section may be waived or modified by the City Clerk upon approval of the Directors of Public Works and Planning and Code.

- D. **Maintenance and Repair.** The owner of a small cell facility permitted pursuant to this ordinance, or the owner's designee, shall maintain and repair, at its sole cost and expense, the facilities and shall repair, at its sole cost and expense, any damage caused by the facility or work related to the facility to municipal streets, sidewalks, curbs, gutters, trees, parkways, poles, utility lines and systems, sewer or water systems or lines, or other municipal property, when the damage is caused by the small cell facility, or the small cell

facility owner's ancillary facilities, or employees or contractors performing work on behalf of the small cell facility owner or owner's designee. The wireless provider shall restore damaged property to substantially the same condition in which it existed prior to the damage.

- E. Decorative Poles.** The Director of Public Works or designee may require applicants wishing to place their facilities on decorative poles to replace the decorative pole when necessary to colocate a small cell facility, and any replacement pole must reasonably conform to the design aesthetics of the decorative pole being replaced. The Director of Public Works or designee may impose non-discriminatory design criteria on decorative poles prior to the installation of the replacement pole.
- F. Relocation and Removal.** Upon the written direction of the municipality, the owner of a small cell facility permitted pursuant to this ordinance, or the owner's designee, at its sole cost and expense, shall relocate or remove the small cell facility and any related equipment that is interfering with or is likely to interfere with emergency or routine municipal maintenance activities or with other work planned to be undertaken by the city within the right-of-way or city owned property.
- G. Additional Conditions.** Where necessary to ensure that an approved project meets the criteria of this ordinance, the City Clerk may impose additional reasonable conditions of approval.
- H. Amendment.** Any changes or modifications to approved applications must be approved by the City Clerk in accordance with section 23.

### **71-32. Abandonment**

Any small cell wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned.

- A. Notice.** Owners of small cell facilities shall provide written notice to the City Clerk if it sells or transfers ownership of its small cell facilities within the jurisdiction of the municipality. Such notice shall include the name and contact information of the new facility owner. Transfers of ownership shall be subject to a fee to be established by the City Council

The City Clerk may notify the owner of abandoned facilities in writing and order the removal of the facility within ninety (90) days of the date of mailing of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the City Clerk that the facility has not been abandoned.

- B. Removal.** If the owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition.

- C. **Surety.** If a surety has been given to the municipality for removal of the facility, the owner of the facility may apply to the City Clerk to release the surety when the abandoned facility and related equipment are removed to the satisfaction of the Director of Public Works or designee.
  
- D. **Unclaimed Property.** In the event city is unable to identify the owner of an abandoned small cell wireless telecommunications facility or is unable to establish reliable communication with an owner who has been identified, the municipality may remove the facility thirty (30) days after posting notice of the municipality's intent to remove the facility on the municipality's website and including the intent to remove on the city council meeting agenda.

### **71-32 Administration and Enforcement**

The City Clerk or designee shall enforce this ordinance. If the City Clerk or designee finds that any provision of this ordinance has been violated, the Clerk shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. The City Clerk shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance including, but not limited to, the violation provisions of Section 33.

### **71-33. Violation**

The City Clerk may terminate an existing permit based on failure to comply with this ordinance. The City Clerk must document the basis for the termination, including the specific provisions of this ordinance on which the termination is based, and send the documentation to the small cell facility owner of record with the municipality on or before the day the City Clerk issues the termination. The owner may cure the deficiencies identified by the City Clerk within 30 days of the day the Clerk issues the termination notice and may request reinstatement of the permit subject to the terms existing prior to the termination. The City Clerk shall respond to the request for reinstatement within 10 working days of receiving the request. If the request is denied by the City Clerk, the permit holder may appeal the decision in accordance with the provisions of Section 34.

The municipal officers, or their authorized agent, may enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without court action. Such agreements shall not allow a violation of this ordinance to continue unless the removal of the violation will result in a threat to public health or safety or substantial environmental damage.

### **71-34. Appeals**

Any person aggrieved by a decision of the City Clerk under this ordinance may appeal the decision to the Board of Appeals. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state the reason for appeal.

### **71-35. Penalties**

Any person who owns or controls any property that violates this Chapter 71 shall be fined in accordance with Title 30-A M.R.S.A., section 4452. Each day such violation continues after notification by the City Clerk shall constitute a separate offense.

### **71-36. State and Federal Jurisdiction**

It is the responsibility of applicants to separately obtain all requisite approvals necessary from the state and federal governments for location of facilities on property, including but not limited to rights of way, within state or federal jurisdiction. The municipality shall not be liable for facilities located in state or federal jurisdiction.

### **71-37. Conflict and Severability**

**A. Conflicts with other Ordinances.** Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation, or statute, the more restrictive provision shall apply.

**B. Severability.** The invalidity of any part of this ordinance shall not invalidate any other part of this ordinance.

**The City of Lewiston Further Ordains that Section 66-8 (b) of the Code of Ordinances is hereby repealed as follows:**

Sec. 66-8, Alterations in sidewalks; installing posts, poles, or trees.

~~(b) — Poles associated with public utilities may only be placed within a sidewalk if such placement maintains a minimum 60 inches of unobstructed sidewalk width. An applicant for a pole permit may seek a waiver from this requirement upon a showing to the Public Works Director that there exists no practicable alternative that would allow for maintaining utility services to adjacent properties. Upon such a showing, the Director may reduce the minimum width of unobstructed sidewalk to no less than 48 inches. Any guide wires or other appurtenances associated with utility poles and extending over any sidewalk must provide for a minimum 7 feet of clearance above the sidewalk. A violation of this section shall be subject to a minimum fine as established by a policy adopted by the City council in addition to a requirement to relocate any object violating these standards and repairing any damage done to the sidewalk.~~

Deletions are ~~struck through~~.

# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 7, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

**SUBJECT:** Public Hearing and First Passage for Ordinance, Amending Appendix A of the Zoning and Land Use Code Relating to Solar Energy Systems.

**INFORMATION:**

As a result of recent changes in state law, considerable interest exists in potentially establishing solar energy systems in Lewiston, either to provide for community solar projects or to produce energy for sale into the electrical grid. The purpose of this amendment is to clarify the development and review process for solar energy projects in the City and to streamline the permitting of such projects. Our Code establishes the uses allowed in each district. Because solar energy systems are not currently listed as an allowed use, a solar energy project can be permitted as a conditional use only if the Board of Appeals or the Planning Board determine that the proposed solar energy system is "substantially similar to and compatible with permitted or conditional uses" in the relevant district. This amendment will stipulate that solar energy systems are conditional uses in every district, would provide clarity to applicants for such projects, and would remove the extra step of requiring applicants to demonstrate similarity before applying for a conditional use permit.

The Planning Board has held a public hearing and voted to recommend this amendment to the Council for approval.

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

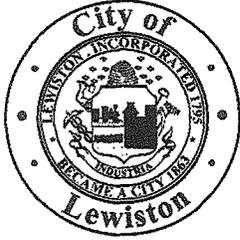
The City Administrator recommends approval of the requested action.

*EATB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve first reading of an Ordinance, Amending Appendix A of the Zoning and Land Use Code Relating to Solar Energy Systems and to continue the public hearing to the next regularly scheduled Council meeting.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

TO: Mayor Cayer and Lewiston City Council  
FROM: James Buzzell, Land Use Planner  
DATE: January 7, 2020  
RE: Planning Board Action

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The Planning Board took the following action at their meeting held on December 23, 2019 regarding a text amendment to the Lewiston Code of Ordinances, Appendix A, Zoning and Land Use Code, Articles II and XI providing for the definition and regulation of Solar Energy Systems.

The following motions were made:

**MOTION:**

by Lucy Bisson 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 to amend Article II (Definitions) and Article XI (District Regulations), Sec. 22(c) of the Zoning and Land Use Code by adding solar energy definitions and permitting Solar Energy Systems as a conditional use in all districts. Second by Kristine Kittridge

**VOTED: 7-0**



## EXECUTIVE DEPARTMENT

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

January 2, 2020

To: Honorable Mayor and members of the City Council  
Fr: Edward A. Barrett  
Su: Solar Energy Amendment – Land Use Development Code – Land Use Table

Some background and information on the City's Land Development Code may be helpful for the new members of the Council as they consider the proposed solar energy amendment on Tuesday's agenda. You will note that this amendment includes a change to the City's Land Use Table. Given the size and complexity of that table, it is virtually impossible to read on a reasonably sized hard copy. It's easier to follow in an electronic copy where it can be expanded.

The Land Development Code is an appendix to our Code of Ordinances and can be found at: <https://www.lewistonmaine.gov/114/City-Ordinances>. The Land Use Table can be found on page 8 of the document at: <https://www.lewistonmaine.gov/DocumentCenter/View/249/Article-XI?bidId=>. The purpose of this table is to set out in one place the allowable uses within the City's various zoning districts, separated by those that are permitted by right and those that require review and conditional use permission from the Planning Board. For example, the Low Density Residential District allows single family residences on individual lots as a use permitted by right. In that same district, a campground is a conditional use that must be reviewed and approved by the Planning Board, which is required to apply a set of conditional use standards set out in the code.

Since the solar amendment makes a change in this Land Use Table, it must be included in the ordinance amendment. The amendment, which substitutes the newly defined "Utility Structures" for the previously defined "power transmission lines, substations, telephone exchanges, microwave towers, or other public utility or communications use" is circled in red.

Please note that the Code also includes a second similar table, the Space and Bulk Table, that can be found on page 13 of the same document referenced above. This table deals with the development requirements in each zoning district such as minimum lot size; front, side, and rear setbacks from the property line; required road frontage; and maximum building height. These standards are used in the development review process to ensure that the project complies with the space and bulk standards of our Code. The proposed solar amendment does not require a change to this table, so it is not include in the agenda material.

I hope this background is helpful because both of these tables frequently come into play when the Council and Planning Board review proposed amendments to the Land Development Code.

{W6790167.1}

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## CITY OF LEWISTON

### Department of Planning & Code Enforcement

TO: Planning Board

FROM: James Buzzell, Land Use Planner

DATE: December 23, 2019

RE: Solar Text Amendment

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A text amendment to Article II, Section 2 and Article XI, Section 22 (c) of the Zoning and Land Use Code.

#### **DESCRIPTION AND PURPOSE OF TEXT AMENDMENT**

The purpose of the proposed text amendment is to simplify the process for approving applications for solar energy systems by listing such uses under the “Utility structures” subsection of the land use chart. The amendment would also add solar energy definitions to Article II, Section 2.

Solar energy systems are not listed within any land use category in the Land Use Table under Article XI, Section 22 (c). A solar energy project could only be issued a conditional use permit if the Board of Appeals or the Planning Board determined that the project was “substantially similar” to another permitted or conditional use in the relevant district. The effect is to create a preliminary step before the application for a conditional use permit.

#### **STAFF COMMENTS**

While this amendment simplifies the application process for a conditional use permit, it does not establish additional performance standards for solar projects outside of those already established under Article X, Section 3. Standards for conditional use permits. Roof-mounted solar devices or systems and all solar devices or systems serving a residential use on a single lot will be considered accessory uses, as per the amended definition of *utility structures*. Regulating non-residential solar energy projects as conditional uses will provide the reviewing authority the necessary basis for assessment.

#### **STAFF RECOMMENDATION**

The Staff recommends the Planning Board forward a favorable recommendation to the City Council to adopt the proposed amendments.

**ACTION NECESSARY**

Make a motion 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 to amend Article II, Section 2, and Article XI, Section 22 (c) as presented in this report.

12.23.2019

## AN ORDINANCE PERTAINING TO SOLAR ENERGY SYSTEMS

### 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

Solar energy device means a structure or part of a structure, including but not limited to solar collectors or photovoltaic panels, which provides for the collection, storage, conversion, and distribution of solar energy.

Solar energy system means a complete assembly of one or more solar energy devices and associated mounting hardware or equipment, including but not limited to racking, cables, inverters, transformers, batteries, a substation, or power lines which provides for the collection, storage, conversion, and distribution of solar energy.

Solar energy system, ground mounted means any solar energy system that is structurally mounted to the ground and is independent of any other structure or building.

Solar energy system, roof mounted means any solar energy system that is mounted on the roof a building or structure.

Utility structures means buildings which house or service utility services, including but not limited to structures such as radio towers, transmitting stations, substations, transmission lines, telephone exchanges, microwave towers and solar energy devices or systems, or satellite dishes serving more than a residential use on a single lot. Solar energy devices or systems or satellite dishes serving a residential use on a single lot shall be considered accessory to such use. Roof-mounted solar energy devices or systems shall be considered accessory uses.

#### ARTICLE XI. DISTRICT REGULATIONS

##### Sec. 22. Land Use Requirements

(c) *Land Use Table* (See attached Land Use Chart)

### **REASONS FOR THE PROPOSED AMENDMENT**

The purpose of this amendment is to clarify the development and review process for solar energy projects in the City and to streamline the permitting of such projects. Article XI Sec. 22(c) establishes the uses allowed in each district. Because solar energy systems are not listed in Article XI Sec. 22(c), a solar energy project can be permitted as a conditional use under Article V Sec. 3(g) only if the Board of Appeals or the Planning Board determined that the proposed solar energy system was “substantially similar to and compatible with permitted or conditional uses” in the relevant district.

By adopting this amendment to stipulate that solar energy systems are conditional uses in every district, the City would provide clarity to applicants for such projects and would remove the extra step of requiring applicants to demonstrate similarity before applying for a conditional use permit.

### **CONFORMANCE WITH 2017 COMPREHENSIVE PLAN**

The proposed text amendment is compatible with the 2017 Legacy Lewiston Comprehensive Plan for the following reasons:

- By eliminating a step in the application process for solar energy projects this amendment makes it easier to “promote a healthful and sustainable business environment by investing actively in efficient infrastructure...” (Vision Statement and Guiding Principles, page 116)
- By streamlining the permitting process for solar energy projects, the proposed amendments anticipate the near-term growth in demand for renewable energy in “recognition of the shift in the market that favors authenticity, social, and environmental responsibility...” (Prioritize Economic Vitality, Market Shifts, page 164)
- By defining a solar energy system as a conditional use, the proposal follows the Comprehensive Plan’s mandate 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.” (Prioritize Economic Vitality, page 164)

Land Use Table: All Zoning Districts SOLAR ENERGY SYSTEMS DRAFT 12.12.19	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 (CV) <sup>26</sup>	Office Service (OS)	Industrial (I)	Urban Enterprise (UE)	Mill (M)	Resource Conservation (RC) (18)	Groundwater conservation overlay (GC) <sup>26</sup>	No Name Pond Conservation Overlay (NNP)(28)	Mobile Home Park overlay district (MH) <sup>28</sup>	
USES(15)(33)																						
Accessory use or structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
<b>Commercial-Service</b>																						
Veterinary facilities excluding kennels and humane societies								P		P	P	P										
Veterinary facilities including kennels and humane societies	C													P		P						
Nursery School	C	C	C	C	P	C	C	P	P	P	P	P	P	P	P	P	P					
Small day care facilities	C	P(22)	P(22)	P(22)		P(22)	P	P	P	P	P	P	P	P	P	P	P					
Day care centers	C				P			P	P	P	P	P	P	P	P	P	P					
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks		C(22)	C(22)	C(22)		C(22)	C(22)															
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services					P(9)		C(31)	P(9)	P(9)	P	P(9)	P	P(9)	P	P	P	P(6)					
Restaurants					P(1)				P(1)	P(5)	P(26)	P(26)	P(1)	P	P(6)	P	P(1)					
Drinking places					P						C	C	P		P(6)		P					
Adult business establishments											C	C										
Hotels, motels, inns					P				C	P(4)	P	P	P	P		P	P					
Movie theaters except drive-in theaters					P				P		P	P	P	P		P	P					
Places of indoor assembly, amusement or culture					P				P		P	P	P	P		P	P					
Art and crafts studios					P		C		P	C	P	P	P	P		P	P					
Personal Services					P		P	P	P	P	P	P	P	P	P(6)	P	P					
Retail stores					P				P		P	P	P		P(6)	P	P					
Neighborhood retail stores				C(21)			P			C												
Lumber and building materials dealer											C	P				P	P					
Gasoline service stations												P					P					
Gasoline service stations which are a part of and subordinate to a retail use											P	P										
New and used car dealers												P				P(17)						
Recreational vehicle, mobile home dealers												P				P						
Equipment dealers and equipment repair											C				P	P						
Automotive services including repair											P(9)	P				P				C(9)		
Registered dispensary(27)												C		C	C	C						
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.												P		P	P	P						
Tattoo Establishments											C	C										
<b>Industrial</b>																						
Light industrial uses												P(9)	P(8,38)	P	P	P	P					
Industrial uses													P(16)		P	P	C					
Building and construction contractors												P(6)		P(6)	P(6,7)	P(6,7)	P(6,7)					
Fuel oil dealers and related facilities															P	P(6,7)						
Wholesale sales, warehousing and distribution facilities and self-storage facilities												P			P	P	P					
Self storage facilities																						
Commercial solid waste disposal facilities															P		P					
Junkyards and auto graveyards																						
Recycling and reprocessing facilities																C						
Private industrial/commercial developments(23)											P	P		C	P	P	P					
<b>Transportation</b>																						
Airports or heliports	C																					
Commercial parking facilities					P		C		C(3)	C	C	P	P			P	P					
Transit and ground transportation facilities					P				C				P		C	P	P					
Transportation facilities																					P(10)	
<b>Public and Utility</b>																						
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Power transmission lines, substations, telephone exchanges, microwave towers, or other public-utility or communications-use Utility structures	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					
Municipal buildings and facilities	LC	C	C	C	P	C	C	C	P	C	P	P	P	P	P	P	P					
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways																						
Dams																		C				

Land Use Table: All Zoning Districts 12.12.19	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF)	Neighborhood Conservation on "A" (NCA)	Neighborhood Conservation on "B" (NCB)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centreville (CV) <sub>09</sub>	Office Service (OS)	Industrial (I)	Urban Enterprise	MH (M)	Resource Conservation (RC) (18)	Groundwater conservation overlay district (GC) <sub>09</sub>	No Name Pond Conservation Overlay District (NNP)(28)	Mobile Home Park overlay district (MH) <sub>09</sub>
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			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				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(38)																	
Two-family dwellings				P		P(37)	P	P	P(11)			P(14)				P	P				
Multifamily dwellings in accordance with the standards of Article XIII				P(34)	P(11)		P	P	P(11)	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													
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							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 XIII	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)																				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					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				P

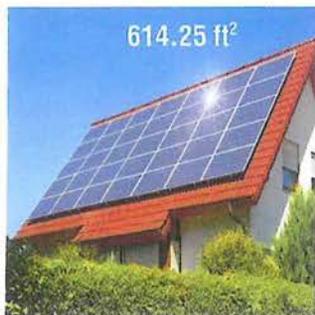
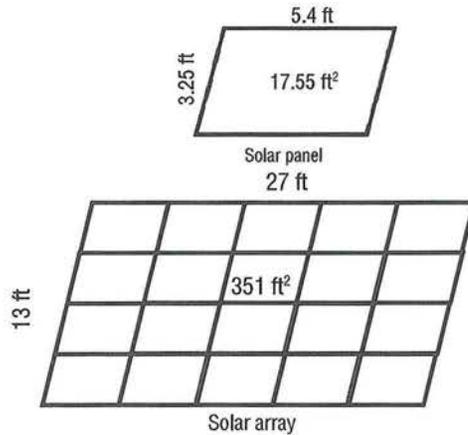
# Supplemental Information for Solar Discussion

## Residential

Not concerned with performance standards for roof-mounted systems at this time.

Considering the implications of ground mounted systems.

Average monthly kWh consumption in Maine is 531. For 100% offset, a home would require a Photovoltaic system of approximately 5900 Watts, or 24 panels.



These structures are well below the thresholds which would subject them either to development review or to performance standards.

- What is the appropriate scale and height?
- Will they be mounted on polls for better sun access?
- Screening and buffering
- Glare

## Utility-scale

Additional standards for large-scale solar energy systems:

- Operations & Maintenance Plan
  - Provisions for safe access as well as maintenance of installation
- Signage
  - Minimum requirement to identify the owner and provide 24-hour emergency contact phone number
- Emergency Services
  - Cooperation with fire department and appointment of person responsible for public safety inquiries
- Installation Conditions
- Stormwater
- Removal
  - Removal one year after discontinued use
    - Physical removal of all system components
    - Disposal of all solid and hazardous waste in accordance with waste disposal regulations
    - Stabilization or revegetation



# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 7, 2020

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 8**

**SUBJECT:** Order, Authorizing the City Manager to Execute the Necessary Documents to Sell the Property at 5 Peter Boulevard to Eugene and Lydia Gilbert.

**INFORMATION:** The City took possession of the property at 5 Peter Boulevard some time ago on the basis of a tax lien foreclosure. At that time, the home had been vacant and abandoned and the mortgage holder had taken limited steps to foreclose on its mortgage and take possession of the property. As a result, the condition of the property had deteriorated to the point where demolition was required. The City subsequently condemned and demolished the property. After demolition, the City at that time, the City was owed a total of \$13,178.64 in taxes, utilities, and demolition costs. Pursuant to City ordinances, the Planning Board was asked for a recommendation on the disposal of this property. It recommended it be sold for no less than \$13,178.64.

In September, the property was put out for bid with a minimum bid requirement of \$13,178.64. No proposals were received. Subsequently, staff was contacted by several parties expressing an interest in the property and was again put out to bid. Two bids were received, one in the amount of \$16,000 from Eugene and Lydia Gilbert, who own an abutting property and who are proposing to build a smaller, retirement home on the property and to sell their current property to other family members. A second bid in the amount of \$10,131 was received from Paul Fournier, who is proposing to build a single family home. Copies of these proposals are attached as is a copy of the City's policies on overdue taxes and land disposition.

The Purchasing Agent recommends that the City accept the high bid from the Gilberts. Note that the property is assessed \$28,560. However, since the basis of the City's ownership is a tax title, we are not in a position to offer the purchaser a warranty deed.

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

The City Administrator recommends approval of the requested action.

*EAB/kmm*

### REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order, Authorizing the City Manager to Execute the Necessary Documents to Sell the Property at 5 Peter Boulevard to Eugene and Lydia Gilbert.



**COUNCIL ORDER**

**Order,** Authorizing the City Administrator to Execute the Necessary Documents to Sell the Property at 5 Peter Boulevard to Eugene and Lydia Gilbert.

Whereas, the City took possession of the property at 5 Peter Boulevard as a result of foreclosure of a tax lien; and

Whereas, the single-family home located on this property had been abandoned and vacant for some time and the mortgage holder did not pursue foreclosure; and

Whereas, due to vacancy and neglect, the structure deteriorated to the point that it was condemned by the Council and subsequently demolished; and

Whereas, a recommendation for disposal of the property was requested from the Planning Board, which recommended that it be offered for bid with a minimum bid price of \$13,178.64, the amount owed the city in taxes, utilities, and demolition costs; and

Whereas, when initially put out to bid, no offers were received; and

Whereas, after expressions of interest from potential buyers, the property was bid for a second time and two bids were received; and

Whereas, the high bid of \$16,000 was received from Eugene and Lydia Gilbert, the owners of an adjacent property who wish to build a smaller, retirement home on the parcel;

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

The City Administrator is hereby authorized to execute a quit claim deed and any other required documents to sell the property at 5 Peter Boulevard to Eugene and Lydia Gilbert for \$16,000 plus closing costs for the purpose of building a single family residence.



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

**to:** Edward Barrett, City Administrator  
**from:** Allen Ward, Purchasing Agent  
**subject:** Bid 2019-073 Sale/Reuse of 5 Peter Blvd.  
**date:** December 15, 2019

The City Council tax acquired the now land only parcel at 5 Peter Blvd and authorized its sale through the sealed bid process subject to positive recommendations by the Planning Board and Finance Committee.

Favorable recommendations from the Planning Board and Finance Committees were received. No minimum bid was set for the parcel with this second bid to sell it.

I have listed current assessed value and parcel restrictions below.

<b>Parcel</b>	<b>Assessed Value</b>	<b>Restrictions</b>
5 Peter Blvd.	\$ 28,560	None known

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

Bids were due on December 11, 2019 and I have attached a summary of all bids received.

<b>Bid</b>	<b>Bidder</b>	<b>Reuse</b>
\$16,000	Eugene and Lydia Gilbert	Retirement home, full value of bid in form of cashier check submitted with proposal
\$10,131	Paul Fournier	Single family home, 10% cashier check received with proposal

For bid 2019-073 for the sale and reuse of 5 Peter Blvd by means of Quit Claim Deed it is recommended that the City Council take the following action:.

Sell the property to Eugene and Lydia Gilbert for their offered \$16,000 plus legal costs incurred for the sale closing.

**PROPOSAL FORM**  
**Sale and Reuse of 5 Peter Blvd.**

**Bid: 2019-073**

**PROPOSAL DUE DATE: Wednesday, December 11, 2019 @ 2:00 PM**

TO: Allen Ward, Purchasing Agent  
 City of Lewiston  
 City Hall, 27 Pine Street  
 Lewiston ME 04240

Dear Sir:

The undersigned hereby declares that he/she has carefully examined the proposed Sale and Reuse of City Owned land items and that he/she proposes and agrees, if the proposal is accepted, to complete the transaction on the item(s) proposed.

**Parcel 1:**

<b>Location Address</b>	5 Peter Blvd.
<b>Price Offered</b>	\$ 16,000.-
<b>Reuse of Property (use separate sheet if needed)</b>	LETTER ENCLOSED

**Bid Deposit Amount:** \$ 16,000.- (minimum 10% of the total amount of bid) include appropriate security: Certified Check, Cashier's Check or Bond (personal and business checks not accepted). Sign the proposal form in ink before returning it to the Purchasing Agent. Please return in a clearly marked sealed envelope with Bid Name and Number on the front.

**The City Council reserves the right to accept or reject any and all proposals.**

<b>NAME</b>	EUGENE I. & LYDIA M. GILBERT
<b>SIGNATURE</b>	<i>Eugene Gilbert</i> <i>Lydia M. Gilbert</i>
<b>PRINTED/TYPED NAME</b>	EUGENE I. GILBERT LYDIA M. GILBERT
<b>TITLE</b>	PROPRIETORS
<b>LEGAL ADDRESS</b>	7 PETER BLVD LEWISTON, ME 04240
<b>MAILING ADDRESS</b>	7 PETER BLVD LEWISTON, ME 04240
<b>DATE</b>	12-2-2019
<b>TELEPHONE #</b>	78 33953
<b>E-MAIL ADDRESS</b>	PETERBLVD@Yahoo.com

Please attach any other supporting materials required by the request for proposal or which you believe would be helpful in the evaluation of your proposal.

12/02/2019

Allen Ward, Purchasing Agent  
City of Lewiston

Dear Sir:

We are offering \$16,000.00 for the purchase of 5 Peter Blvd.

We regret and apologize for not bidding on your original offer on 10/11/19. The issue that prevented us from bidding has been completely eliminated.

Had we been bidding back on 10/11/19 we would have bid \$15,000.00, today we offer an additional \$1,000.00 to compensate the City of Lewiston to help offset the extra time and labor to execute another bid process.

We have lived at 7 Peter Blvd. for 54 years and our present home is adjacent to 5 Peter Blvd. Our children are all grown and we no longer need a large home.

We plan to build a retirement ranch style home at 5 Peter Blvd. to live out our senior years in a neighborhood we have enjoyed since 1965.

Family members have expressed a desire to purchase our existing home, which would be an additional comfort to us, having family members close by.

Our neighbors would benefit as we will allow and encourage a community vegetable garden that has existed for the past several years on this property.

Also, the rear of the property has been neglected and is an eyesore. Several trees and large branches have fallen and is also overgrown with bushes. (pictures)

Our immediate plan is to have the fallen trees and bushes cut and removed.

We trust our proposal meets the expectations of the City of Lewiston with regards to a proper price, reimbursement for the city's expenses, proper use of the property, as well as promptly returning the property to full real estate taxes, our bank check for the full amount expedites this sale without additional time and expense

Sincerely,

  
Eugene I. Gilbert

Sincerely,

  
Lydia M. Gilbert



**PROPOSAL FORM**

**Sale and Reuse of 5 Peter Blvd.**

**Bid: 2019-073**

**PROPOSAL DUE DATE: Wednesday, December 11, 2019 @ 2:00 PM**

TO: Allen Ward, Purchasing Agent  
City of Lewiston  
City Hall, 27 Pine Street  
Lewiston ME 04240

Dear Sir:

The undersigned hereby declares that he/she has carefully examined the proposed Sale and Reuse of City Owned land items and that he/she proposes and agrees, if the proposal is accepted, to complete the transaction on the item(s) proposed.

**Parcel 1:**

Location Address	5 Peter Blvd.
Price Offered	\$ 10,131
Reuse of Property (use separate sheet if needed)	BUILD A SINGLE FAMILY HOME

Bid Deposit Amount: \$ 1,014 (minimum 10% of the total amount of bid) include appropriate security: Certified Check, Cashier's Check or Bond (personal and business checks not accepted). Sign the proposal form in ink before returning it to the Purchasing Agent. Please return in a clearly marked sealed envelope with Bid Name and Number on the front.

**The City Council reserves the right to accept or reject any and all proposals.**

NAME	PAUL E FOURNIER
SIGNATURE	<i>Paul E Fournier</i>
PRINTED/TYPED NAME	PAUL E FOURNIER
TITLE	SOLE PROPRIETOR
LEGAL ADDRESS	302 OLD GREENE RD LEWISTON, ME 04240
MAILING ADDRESS	302 OLD GREENE RD LEWISTON, ME 04240
DATE	12/10/19
TELEPHONE #	207-783-8751
E-MAIL ADDRESS	PAULF7122@ROADRUNNER.COM

Please attach any other supporting materials required by the request for proposal or which you believe would be helpful in the evaluation of your proposal.

# PROPERTY DISPOSITION

## 1.0 Purpose

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

## 2.0 Policy

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

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

### 3.1 Planning Board and Finance Committee Responsibilities

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

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

### 3.2 City Initiated Sale or Lease

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

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

## PROPERTY DISPOSITION

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

### **3.3 Private Sector Request to Purchase or Lease**

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

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

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

### **4.0 Procedure for Disposition of Surplus Property – Substandard Lots**

**4.1** Vacant lots that do not meet minimum space and bulk standards for construction may, at the discretion of the City Administrator, be offered for sale or lease to abutting property owners. If one or more of these owners express an interest in the property, the City Administrator shall make a recommendation to the City Council on the disposition of the property.

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

**4.2.1** The proposed sale price or lease rate, if any, as compared to an estimate of the value of the property prepared by the City Assessor;

**4.2.2** The proposed use of the property;

**4.2.3** The value of any proposed improvements to the property;

**4.2.4** The impact of the sale or lease of the property on the assessed value of the adjacent property in the same ownership; and

**4.2.5** The extent to which the sale or lease will support overall City policy in the area or neighborhood within which the property is located.

### **5.0 Procedure for the Disposition of Surplus Property – Potentially Developable**

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

**5.1 Request for Proposals.** The City may use a Request for Proposals process. This process is generally best suited to significant development parcels for which the City has specific expectations as to the nature, type, and value of the anticipated development.

## PROPERTY DISPOSITION

- 5.2 **Real Estate Broker.** The City may contract with a real estate broker to find a buyer. This method may be most applicable to individual properties or groups of properties that the City is seeking to redevelop or develop for a specified purpose such as single family housing and/or multi-family housing renovation.
- 5.3 **Formal Bid.** The City may advertise for formal bids. This method may be most applicable in instances where the City believes that multiple parties may be interested in the property and the nature of the development or redevelopment is such that the City does not anticipate placing additional restrictions on what is to happen on the property after its sale.
- 5.4 **Self-Brokerage.** The City may employ a sell by owner approach. This would generally be applicable to situations such as the sale of individual lots within a residential or commercial subdivision.
- 5.5 **Direct Negotiation.** Where alternative methods have failed to produce an acceptable sale and/or in instances where the City has been directly approached by an individual or organization with a proposal that matches or exceeds the City's expectations for development on the parcel, the City may entertain direct negotiations with a private party who expresses interest in purchasing a property.
- 5.6 The City Administrator shall recommend to the City Council the disposition method or methods to be used at the time the Council is asked to approve disposition of the property.

### 6.0 Council Approval of Disposition

- 6.1 The final decision to accept a bid, proposal, or offer to purchase City-owned property must be made by the City Council.
- 6.2 The normal process for transferring a city-owned property will be by way of municipal quitclaim deed. Warranty deeds may be approved in instances where such action is recommended by the City Administrator for good and reasonable cause.

# PROPERTIES WITH MATURED TAX OR SEWER LIENS

## 1.0 Purpose

The purpose of this Policy is to provide guidelines for City staff to follow in handling and processing properties on which property taxes or sewer liens have or will soon mature and to ensure that such properties are handled in a consist manner that protects the best interests of the City.

## 2.0 Policy on Properties with Matured Liens

It is the City's policy to collect, to the greatest extent possible, all real property taxes and sewer charges which are due in a timely fashion and in accordance with applicable state statutes. It is also our policy to work with individual citizens who make a good faith effort to meet their obligations. The City will take possession of properties on which tax or sewer liens have matured only after other alternatives have been exhausted and/or where such action meets the City's community development and revenue collection needs.

## 3.0 Situation Where City May Take Possession of Property

Under state law, the City becomes the owner of a property at the point where a lien matures. The City does not, however, become liable for the property until sixty days after the City becomes aware that the property has been abandoned or upon asserting possession of the property, an action which indicates that the City will no longer consider allowing the prior owner to redeem the property. The City will consider taking possession of properties with matured tax or sewer liens under the following circumstances.

**3.1 Vacant and Blighted.** Properties which are vacant and considered blighted will generally be taken unless:

**3.1.1** The property owner pays all amount due to the City for any and all purposes.

**3.1.2** The property owner enters into a legally binding commitment to bring the property into full compliance with the City's codes within a reasonable period of time, such period to generally not exceed 12 months.

**3.2 Non-conforming Structures.** Properties which do not conform to current land use and zoning policies may be taken by the City. This decision will be based on a consideration of the following factors:

**3.2.1** The extent of the non-conformity;

**3.2.2** The effect of the property on surrounding properties and uses;

**3.2.3** The condition of the property including its overall appearance and the presence or absence of any code violations;

**3.2.4** The willingness and ability of the property owner to pay all amounts due to the City, to address code issues, and to take steps to mitigate adverse

## PROPERTIES WITH MATURED TAX OR SEWER LIENS

impacts which the non-conforming use may have on surrounding properties.

- 3.3 Vacant Land.** The City may take possession of any vacant parcels on which liens have matured. This decision will be based on the following considerations:
- 3.3.1** The willingness and ability of the property owners to pay all amounts due to the City;
  - 3.3.2** The ratio between the amount owed the City and the assessed value of the property;
  - 3.3.3** The extent to which the property has a negative impact on surrounding properties and/or has been found to be in violation of City ordinances.
- 3.4 Owner Occupied Residences.** As a general guideline, it is not the City's intent to take possession of owner occupied single family residences unless continued occupancy of the residences poses a direct and immediate threat to the health, safety and welfare of the residents or those of neighboring properties or the City determines that the owner/resident is capable of meeting his or her obligations to the City but refuses to do so.
- 3.4.1** Where it is determined that continued occupancy of the property poses a direct and immediate threat to the residents or those of neighboring properties, the City may take possession of the property. City staff shall work with the residents to locate alternative safe and affordable housing.
  - 3.4.2** Where it is determined that the owner/resident is capable of meeting his or her obligations and refuses to do so, the City may take possession of the property. Factors which may be considered in determining whether a good faith effort is being made to meet these obligations may include:
    - 3.4.2.1** Willingness to enter into and meet the requirements of workout agreements;
    - 3.4.2.2** Application for the Homestead or other available exemptions;
    - 3.4.2.3** Application for the Maine Residents Property Tax Program and agreement to assign all payments from the program toward amounts due to the City;
    - 3.4.2.4** Exploration of other options to meet obligations to the City including, but not limited to, applications for a hardship abatement, exploration of a reverse mortgage, or any other proposal or activity that will result in payment to the City and correction of existing code violations.
- 3.5 Other Circumstances.** The City may take possession of properties on which liens have matured under other circumstances not listed above, regardless of the condition of the property, when it is determined that doing so is in the best interests of the City and its residents. Without limitation, such circumstances may include the following:

## PROPERTIES WITH MATURED TAX OR SEWER LIENS

- 3.5.1 Ownership of the property is required for construction or maintenance of necessary public facilities such as roads, utility facilities, parks, recreational trails, schools, or public buildings.
- 3.5.2 The property is located in a designated Community Development Project area and City ownership is required to facilitate a redevelopment project.
- 3.5.3 Ownership of the property is required for expansion of a City-owned commercial, industrial, or business park.
- 3.5.4 Ownership of the property is required to facilitate an environmental remediation project.
- 3.5.5 The City Council determines that ownership of the property is in the public interest for other identifiable reasons.

### 4.0 Procedure

After sewer or tax liens have matured, the responsible City staff will take the necessary steps to ensure that the City's lien interests have been perfected, and that owners are notified of the status of their property and the necessity to make immediate arrangements to meet their obligation. Where called for by this policy, staff will compile the necessary information to enable the City Council to make the determination of whether to take actual possession of a property.

- 4.1 Lien Perfection. Staff will ensure that all legally required notices have been sent and that all legal requirements have been met, including notification of any institutions or individuals holding a mortgage interest in the property.
- 4.2 Code Compliance. Once staff has determined that the City is legally authorized to foreclose the lien and take possession of the property, the Code Enforcement Officer will be provided with a list of these properties. Code will inspect them to determine their compliance with building, property maintenance, and life safety codes and their conformance with the City's Comprehensive Plan and Land Development Code.
- 4.3 Notification. The property owner will be notified via certified mail that the City has a matured lien on the property in question and that acceptable arrangements must be made within thirty days of the date of the notice to pay all amounts due and, if necessary, commit to the steps to bring the property into compliance with all City Codes.
- 4.4 Where staff determines that the property in question poses a hazard to individuals or surrounding property, or where the property owner has a history of failing to meet his or her obligations to the City and/or to meet the City's Codes, the requirements of 4.2 and 4.3 may be eliminated.
- 4.5 During the 30 day period outlined in section 4.3 above, staff shall endeavor to meet with the property owners in question and attempt to reach an agreement as to payment of amounts due as well as on the steps which the property owner will take, if necessary, to bring the property into compliance with the applicable City Codes.

# PROPERTIES WITH MATURED TAX OR SEWER LIENS

## 5.0 Policy on Lien Waivers

Under state law, the City becomes liable for abandoned properties sixty (60) days after liens foreclose. Given this, there are circumstances where the City may wish to waive foreclosure in order to avoid liability or expenditures on a foreclosed property may not be justifiable. Such situations may include but not be limited to structures on leased property where the cost of demolition may not easily be recovered or properties which may expose the City to environmental liabilities. It is the City's policy to avoid, to the greatest extent possible, assuming liabilities for foreclosed properties which exceed the financial or community benefits associated with acquiring them.

### 5.1 Advance Review of Properties Facing Lien Foreclosure

- 5.1.1 On or about November 15<sup>th</sup> of each year, Finance shall provide Code and Administration with a list of properties on which liens are scheduled to mature and on which the property owner has not agreed to acceptable arrangements to meet his or her responsibilities to the City. This list shall specifically identify structures located on leased land;
- 5.1.2 Code Enforcement shall review these properties to determine whether they are occupied or abandoned and their condition.
- 5.1.3 Code shall also identify any properties that may expose the City to environmental or other liabilities.
- 5.1.4 On or about December 1 of each year, Code shall submit a report to Administration on the result of these investigations.
- 5.1.5 Administration shall review this report and identify properties where it may be prudent for the City to consider waiving foreclosure and provide a recommendation to Council on properties where lien waiver should be considered.
- 5.1.6 Once the Council has waived foreclosure on a property or structure, Finance shall take the necessary steps to ensure that future 45 day foreclosure notices are not issued. These properties shall continue to be reviewed annually by Code and Administration to determine whether the City should continue to forego lien foreclosure or proceed to allow future liens to foreclose. Where the recommendation is for the City to allow foreclosure to proceed by issuing the 45 day notice, this recommendation shall be forwarded to the City Council for its consideration.
- 5.1.7 For mobile homes or other structures on leased property, the City may contact the land owner to determine if the owner is willing to accept the transfer of the ownership of the mobile home or structure and to take the necessary steps to remove or rehabilitate it should the City allow foreclosure to proceed. In such instances, the City Council will be asked to transfer the ownership of the structure once the City takes possession.

## 6.0 Council Action

City Council approval is required to authorize the City to take possession of a property on which a lien has matured except where automatic possession has taken place due to

## **PROPERTIES WITH MATURED TAX OR SEWER LIENS**

abandonment of a property. Nothing in this policy shall limit the discretion of the City Council from taking possession of a specific property based upon the Council's evaluation of that property and its determination as to what action, if any, is in the best interest of the City and its citizens.

### **7.0 Legal Rights**

This policy is not intended to create legal rights on the part of residents or taxpayers. Failure of the City to follow the guidelines or procedures established by this policy shall not constitute a defense or bar to the City's foreclosure of matured tax or sewer liens or to any legal titles derived from such foreclosures. Failure to follow the guidelines or procedures established by this policy shall not constitute a defense or bar to the City's collection of any taxes, sewer charges, or other charges owed.

### **8.0 Staff Responsibilities**

- 8.1 The Finance Director shall have overall responsibility for implementing this policy to include:
  - 8.1.1 Lien perfection;
  - 8.1.2 Property owner notification;
  - 8.1.3 Negotiating payment arrangements with property owners
  - 8.1.4 Providing Code and Administration with a list of potential lien foreclosures on or before November 15<sup>th</sup> of each year;
  - 8.1.5 Providing Code and Administration with a list of properties on which liens have been waived in prior years;
  - 8.1.6 Requesting support from other City staff as necessary.
  
- 8.2 The Planning and Code Enforcement Director shall be responsible for:
  - 8.2.1 Providing property inspection reports to City Administration;
  - 8.2.2 Determining property compliance with the City's Land Development Code;
  - 8.2.3 Negotiating agreements to bring properties into compliance with City Codes.
  
- 8.3 Administration shall be responsible for making recommendations to the City Council as to properties on which lien foreclosure should be waived and those where the City should consider taking possession.

# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 7, 2020

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 9**

**SUBJECT:**

Order Authorizing Execution of a Municipal Quitclaim Deed for Real Estate located at 378 Pinewoods Drive.

**INFORMATION:**

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

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 378 Pinewoods Drive. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payments due for this property have all been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

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

The City Administrator recommends approval of the requested action.

*EAB/Kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 378 Pinewoods Drive.



CITY OF LEWISTON, MAINE

January 7, 2020

COUNCIL ORDER

**Order**, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 378 Pinewoods Drive.

**WHEREAS**, the owner, Dora Clark, a/k/a Marie Saucier, failed to pay her bills on a timely basis for 378 Pinewoods Drive (Tax Map 49, Lot 13, Parcel 00-012882); and

**WHEREAS**, a tax lien was filed on June 17, 2011 (Book 8180 Page 227) and matured on December 17, 2012 in the amount of \$2,926.64; and

**WHEREAS**, a tax lien was filed on June 13, 2012 (Book 8418 Page 061) and matured on December 13, 2013 in the amount of \$2,969.01; and

**WHEREAS**, a tax lien was filed on June 19, 2013 (Book 8700 Page 133) and matured on December 19, 2014 in the amount of \$2,972.41; and

**WHEREAS**, a tax lien was filed on June 23, 2015 (Book 9165 Page 260) and matured on December 23, 2016 in the amount of \$2,701.83; and

**WHEREAS**, payment was received in full totaling \$11,569.89;

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

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 378 Pinewoods Drive to the owner.



## Finance Department

Heather Hunter  
Director of Finance/Treasurer  
[hhunter@lewistonmaine.gov](mailto:hhunter@lewistonmaine.gov)



**TO:** Mayor Mark Cayer  
And Members of the City Council  
**FROM:** Heather Hunter, Finance Director/Treasurer  
**SUBJECT:** **Quitclaim Deeds**  
**DATE:** January 7, 2020

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and, most recently, stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien, something that has been done in the past when, for example, a property has significant environmental cleanup issues that the City wishes to avoid. If the lien is permitted to mature, the municipality automatically becomes the property owner and may elect to take possession of the property for subsequent sale or municipal use or, if payment is received after the lien matures, may return the property to its owner via a quitclaim deed.

A quitclaim deed simply releases the City's ownership interest in a property to a third party, often the prior owner, a mortgage company, or a new owner as part of a private sale. Quitclaim deeds are not released until all lien balances on the property are brought current. Note that such deeds do not carry the same legal standing as warranty deeds that guarantee clear title, since a tax lien foreclosure must follow a set of requirements in state law that, if not precisely adhered to, could result in the city's ownership being questioned and overturned in the courts. Given this, when the City sells property acquired through tax lien foreclosure, it often does not have the same value if it could be sold with a warranty deed.

In the past, quitclaim deeds were processed at the Finance Department level; more recently, this action has been moved to the City Council level as it coincides with other property disposition authority. Therefore, all quitclaim deeds now appear on the City Council agenda, typically as consent items.

At your January 7<sup>th</sup> meeting, there will be a quitclaim deed requiring your action dealing with a matured tax lien that has since been paid. At this time, I am requesting you approve the quitclaim so the property can be released from the City to the owner.

Please feel free to contact me with any questions or concerns you may have.

**LEWISTON CITY COUNCIL**  
**MEETING OF JANUARY 7, 2020**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 10**

**SUBJECT:**

Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all applications to operate beano, bingo or other games of chance, on behalf of the Municipal Officers.

**INFORMATION:**

Every two years, the City Council votes to authorize the City Clerk and the Deputy City Clerk to approve and sign all applications to operate beano, bingo or other games of chance on behalf of the City Council. This is done from an efficiency standpoint. The state statutes require the Municipal Officers or their designee to sign licenses for games of chance. This is a standard agenda item in larger municipalities.

**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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ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications to operate beano, bingo or other games of chance on behalf of the Municipal Officers, during the period January 7, 2020 through January 4, 2022.

**LEWISTON CITY COUNCIL**  
**MEETING OF JANUARY 7, 2020**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 11**

**SUBJECT:**

Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all permits for circuses and carnivals, on behalf of the Municipal Officers.

**INFORMATION:**

Every two years, the City Council votes to authorize the City Clerk and the Deputy City Clerk to approve and sign all applications for circuses and carnivals held within the city, on behalf of the City Council. This is done from an efficiency standpoint. This is a standard agenda item in larger municipalities. The licenses cannot be issued until the Police Department has been notified to do a background check, and the Fire Department and Code Enforcement Department inspect the equipment.

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

The City Administrator recommends approval of the requested action.

*EARB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all permits for a circus or carnival on behalf of the Municipal Officers, during the period January 7, 2020 through January 4, 2022.

# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 7, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

**SUBJECT:**

Authorization for the City Clerk and/or Deputy City Clerk to sign all liquor license applications on behalf of the Municipal Officers.

**INFORMATION:**

Every two years, the City Council votes to authorize the City Clerk and/or the Deputy City Clerk to sign liquor licenses on behalf of the City Council. This is done from an efficiency standpoint. The state statutes require the Municipal Officers or their designee to sign liquor licenses. This is a standard agenda item in larger municipalities.

Before each application for a new liquor license can be approved, a public hearing will be held before the Council to receive citizen input. The Council shall vote to approve or deny a liquor license for each new business. Liquor license renewals do not require a public hearing. The City Council will receive a listing of all liquor licenses that are up for renewal about 60 days before the license is due. If a Councilor requests a public hearing for a certain business for their liquor license renewal, then the City Clerk's Office will not sign the renewal until the hearing has been held.

**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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ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to sign all liquor license applications on behalf of the Municipal Officers, during the period January 7, 2020 through January 4, 2022.

**LEWISTON CITY COUNCIL  
MEETING OF JANUARY 7, 2020**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 13**

**SUBJECT:**

Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all applications for utility pole permits, on behalf of the Municipal Officers.

**INFORMATION:**

Every two years, the City Council votes to authorize the City Clerk and/or the Deputy City Clerk to approve and sign all applications for utility pole permits on behalf of the City Council. This is done from an efficiency standpoint. The state statutes require the Municipal Officers or their designee to sign these permits. This is a standard agenda item in larger municipalities.

**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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ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications for utility pole permits on behalf of the Municipal Officers, during the period January 7, 2020 through January 4, 2022.

**LEWISTON CITY COUNCIL**  
**MEETING OF JANUARY 7, 2020**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 14**

**SUBJECT:**

Authorization for the City Clerk and/or Deputy City Clerk to approve and sign all licenses for close out sale permits, on behalf of the Municipal Officers.

**INFORMATION:**

Every two years, the City Council votes to authorize the City Clerk and/or the Deputy City Clerk to approve and sign all licenses for close out sale permits on behalf of the City Council. This is done from an efficiency standpoint. The state statutes require the Municipal Officers or their designee to sign these permits. This is a standard agenda item in larger municipalities.

Close out sales are also known as "going out of business sales" and other similarly named sales that will dispose of all inventory of a certain business.

**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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ORDERED, That the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all licenses for close out sale permits on behalf of the Municipal Officers, during the period January 7, 2020 through January 4, 2022.

# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 7, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

**SUBJECT:**

Authorization for the Finance Director, Tax Collector and Deputy Treasurer to act on behalf of the Municipal Officers regarding deeds, liens and municipal investments.

**INFORMATION:**

Every two years, the City Council votes to authorize the Finance Director, Tax Collector and Deputy Treasurer to sign all necessary deeds and liens on behalf of the City Council, as well as to invest city funds in accordance with state statute guidelines. This is done from an efficiency standpoint. This is a standard agenda item in larger municipalities.

**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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ORDERED, That the City Council hereby authorizes the Finance Director, Tax Collector or Deputy Treasurer to withhold monies payable by the City of Lewiston to cover taxes due pursuant to MRSA Title 30-A, section 905; to sign on behalf of the City, the necessary deeds and liens and tax settlements; and to invest funds in accordance with Maine Revised Statutes Annotated, Title 30-A, Section 5706, during the period January 7, 2020 through January 4, 2022.

# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 7, 2020

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 16**

**SUBJECT:**

Authorization for City Administrator or Deputy City Administrator to approve or deny all requests to hang banners, post community event signs on municipal property, and place temporary signs, flags and decorations in the public right of way, on behalf of the Municipal Officers.

**INFORMATION:**

Since requests to hang banners at various designated locations within the City are fairly routine and non-controversial, as are requests to post signs on traffic islands regarding upcoming community events, every two years the City Council is asked to vote to authorize the City Administrator or Deputy City Administrator to approve or deny these requests, on their behalf. Typically, only non-profit organizations can have banners hung or signs posted to promote an upcoming community event.

The City's Land Use Code (Article XII, Performance Standards, Section 16 Signs, subsection b 1 c 6) states "Upon approval of the city council, temporary signs, banners, flags and other decorations may be erected in the public right of way when in relation to a special event."

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

The City Administrator recommends approval of the requested action .

*GABKmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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ORDERED, That the City Council hereby authorizes the City Administrator or Deputy City Administrator to review and approve or deny all requests to hang banners, post community event signs on city property, and place temporary signs, flags and decorations in the public right of way, on behalf of the Municipal Officers, during the period of January 7, 2020 through January 4, 2022.

**LEWISTON CITY COUNCIL**  
**MEETING OF JANUARY 7, 2020**

**AGENDA INFORMATION SHEET:                      AGENDA ITEM NO. 17**

**SUBJECT:**

Authorization for Deputy City Administrator and/or Finance Director to have signatory authority for the City Administrator when the Administrator is unavailable.

**INFORMATION:**

Every two years, the City Council votes to authorize the Deputy City Administrator sign documents on behalf of the City Administrator when the Administrator is unavailable (on vacation, out sick, at a conference, etc.). In addition, if the Deputy City Administrator is unavailable, then the Finance Director would then be authorized to execute any city related document.

This is done from an efficiency standpoint and is a standard agenda item in larger municipalities.

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

The City Administrator recommends approval of the requested action.

*EABLkmm*

<b>REQUESTED ACTION:</b>	1	2	3	4	5	6	7	M
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ORDERED, That the City Council hereby authorizes the Deputy City Administrator, or in the absence of the Deputy City Administrator, the Finance Director, to have signatory authority for the City Administrator, when the Administrator is unavailable, during the period of January 7, 2020 through January 4, 2022.

**LEWISTON CITY COUNCIL  
MEETING OF JANUARY 7, 2020**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 18**

**SUBJECT:**

Appointment of City Council representatives to various boards and committees.

**INFORMATION:**

At the December Organizational Meeting for the incoming City Council, the Councilors-Elect reviewed the listing of boards and committees that require a City Council representative. They determined which Councilor would serve in the various capacities. The vote on this agenda item makes the official appointment for these positions.

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

The Council shall select their representatives to the various boards and committees.

*ERAB/Kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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**Please see attached vote sheet for the motion.**

**LEWISTON CITY COUNCIL REPRESENTATIVES TO  
VARIOUS CITY BOARDS AND COMMITTEES  
January 2020 - December 2021**

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**MOTION: To approve the following appointments of the City Council representatives to the various boards and committees:**

911 Committee	Councilor Lajoie
Airport Board of Directors	Councilor Jensen
Androscoggin County Budget Committee*	Councilor Pettengill and Councilor Rea
Androscoggin Valley Council of Governments General Assembly ( <i>two meetings a year, generally at lunchtime</i> )	Councilor Clement and Councilor Gelinias
Cable TV Advisory Committee	Councilor Lajoie
Community Development Block Grant Committee	Councilor Khalid
Complete Streets Committee ( <i>one member may be a City Councilor but it is not required</i> )	Councilor Pettengill
Housing Committee	Councilor Khalid
L/A Transit Committee	Councilor Pettengill
Lake Auburn Watershed Protection Commission	Councilor Rea
Lewiston Auburn Public Health Committee	Councilor Gelinias
Loan Qualification Committee	Councilor Clement
Library Board of Trustees	Mayor (by position)
Maine Municipal Association Legislative Policy Committee	Councilor Rea, City Administrator
Recycling and Waste Reduction	Councilor Jensen
South Park Industrial Park Board of Directors	Council President, Mayor (by position)
Youth Advisory Council	Councilor Pettengill and Councilor Jensen

*\* Elected official is elected by county caucus based upon their residency in the county districts.*

**APPOINTMENT BY CITY COUNCIL PRESIDENT (as required by the City Charter):**

Finance Committee	Councilor Clement and Councilor Khalid
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# LEWISTON CITY COUNCIL

## MEETING OF JANUARY 7, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 19

**SUBJECT:**

Appointment of citizens to various City boards and committees.

**INFORMATION:**

Every two years at the beginning of each new Council biennial session, the Mayor and City Council have several committee appointments to make. There are two types of committee openings - those that are filled by members of the public (Planning Board, etc.) and those that are filled by Councilors which serve as the Council's representative to a number of boards and committees. The Council representative appointments were addressed in the previous agenda item.

For citizen positions on various boards - The Mayor has the authority to make several appointments directly and some appointments are done at the Mayor's nomination and require Council approval.

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

The citizen appointments to the city's boards and committees are done at the purview of the Council.

*GAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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PLEASE SEE ATTACHED VOTE SHEET FOR MORE INFORMATION

- 1) To receive the Mayor's appointments to various city boards and committees (no Council action required)
- 2) To approve the Mayor's nominations regarding his appointments to the Library Board of Trustees (Council vote required)
- 3) To approve the Lewiston Area Public Health Committee's nominations to that committee (Council vote required)

# APPOINTMENTS TO CITIZEN BOARDS AND COMMITTEES

## **MAYORAL APPOINTMENTS (NO VOTE REQUIRED):**

Mayor Cayer is appointing the following citizens to boards and committees:

### **Board of Appeals:**

- 1 full member position – 5 year term  
Daniel Dube, 40 Cassell St, Ward 7

### **Complete Streets Committee:**

- 1 full member, 3 year term  
Craig Saddlemire, 75 Maple St

### **Finance Committee:**

- 1 full member position – 3 year term  
Renee Bernier, 1220 Sabattus St

### **Historical Preservation Review Board:**

- 2 full member positions- 3 year terms  
David Chittim, 28 No Name Pond Rd  
Doug Hodgkin, 9 Sutton Place
- 1 full member position – 1 year term  
Paul Robinson, 200 Gayton Rd
- 1 associate member position – 1 year term  
Sandra Marquis, 78 Essex St

### **Planning Board:**

- 1 full member position – five year term  
Linda Scott, 45 Pettengill St
- 1 associate member position – 4 year term  
Timothy Joseph Gallant, 533 Webster St

**MAYORAL NOMINATIONS AND CITY COUNCIL APPOINTMENTS (VOTE REQUIRED):**

Appointments to the Library Board of Directors require a nomination by the Mayor and a vote to appoint by the City Council

Mayor Cayer is nominating the following citizens to serve on the Library Board of Trustees:

**Library Board of Trustees:**

3 full member positions – 3 year terms

Elizabeth Clifford, 14 Ware St

Daniel Jenkins, 49 Robinson Gardens

Darby Ray, 15 Bearce Ave

1 full member position – 2 year term

Barbara Benjamin-McManus, 16 Laase Ave

1 full member position – 1 year term

Abdifatah Afrah, 46 Tall Pines Dr

**CITY COUNCIL APPOINTMENTS (VOTE REQUIRED):**

Appointments to the Lewiston Areas Public Health Committee require a nomination by the Public Health Committee and a vote to appoint by the City Council

The Lewiston Area Public Health Committee is nominating the following citizens to serve on their committee:

**Lewiston Area Public Health Committee:**

4 full member positions – Area Resident positions - 3 year terms

N. Paul Gauvreau, 56 Tampa St

Lynsay Henry, 7 Pond Ridge Dr

Philip Rioux, 398 Randal Rd

William Wallace, 108 Jackson Hill Rd, Minot