

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
APRIL 21, 2020**

SESSION WILL BE CONDUCTED REMOTELY AND MEMBERS WILL ONLY PARTICIPATE ELECTRONICALLY. THE MEETING CAN BE VIEWED ONLINE AT

<https://www.lewistonmaine.gov/2020cc>

Public Comment on any other item appearing on the agenda may be sent to publiccomment@lewistonmaine.gov prior to or during the meeting, and all comments received will be forwarded to the City Council.

6:00 p.m. Budget Workshop

1. Utility Budgets – Proposed Budget Adjustments
2. General Budget Discussions

7:00 p.m. Regular Meeting

Update on City Actions Regarding COVID-19 Pandemic Situation and Related City Actions

Acceptance of the minutes of the April 9, 2020 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. Resolve, Authorizing Application for and Accepting a Coronavirus Emergency Supplement Funding Grant from the U.S. Department of Justice.
2. Order, Authorizing the City Administrator to Enter into an Agreement to Convey the Properties Located at 91 Pine St., 111 Bartlett St., 114 Bartlett St., and 320 Bates St., to the Lewiston Auburn Area Housing Development Corp.
3. Resolve, Amending the Composition of the Ad-hoc Committee on Recycling and Waste Reduction.
4. Review and Discussion of Proposed Allocation of Additional Community Development Block Grant Pandemic Funding.
5. Reports and Updates
6. Any other City Business Councilors or others may have relating to Lewiston City Government.
7. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL

MEETING OF APRIL 21, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT: Resolve, Authorizing Application for and Accepting a Coronavirus Emergency Supplemental Funding Grant from the U.S. Department of Justice.

INFORMATION:

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) is seeking applications for the Coronavirus Emergency Supplemental Funding Program. The City of Lewiston is able to apply for this grant because the city was awarded federal grants through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program in FY2019.

If awarded, the City of Lewiston would qualify up to \$85,314. "Funds awarded under the CESF Program must be utilized to prevent, prepare for, and respond to the coronavirus. Allowable projects and purchases include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, and sanitizer), and training and travel expenses (particularly related to the distribution of resources to the most impacted areas)." A copy of the solicitation from the DOJ is attached.

APPROVAL AND/OR COMMENTS OF CITYADMINISTRATOR:

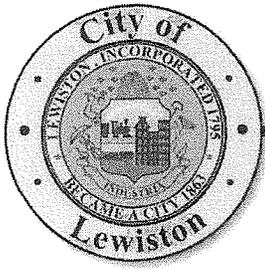
The City Administrator recommends approval of the requested action.

EAR/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Authorizing Application for and Accepting a Coronavirus Emergency Supplemental Funding Grant from the U.S. Department of Justice.



CITY OF LEWISTON, MAINE

April 21, 2020

COUNCIL RESOLVE

Resolve, Resolve, Authorizing Application for and Accepting a Coronavirus Emergency Supplemental Funding Grant from the U.S. Department of Justice.

Whereas, the U.S. Department of Justice is seeking applications for Coronavirus Emergency Supplemental Funding; and

Whereas, these funds may be awarded to communities that are recipients of the Edward Byrne memorial Justice Assistance Grant Program; and

Whereas, if approved, the City would qualify for up to \$85,314 in funds that must be utilized to prevent, prepare for, and respond to the coronavirus;

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

The submission of an application for funding from a U.S. Department of Justice Coronavirus Emergency Supplemental Funding Grant is hereby authorized and, if received, these funds are appropriated for allowable purposes identified by the grant.



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



April 15, 2020

To: City Administrator Ed Barrett

From: Chief Brian O'Malley

Re: Application for Coronavirus Emergency Supplemental Funding Program Solicitation

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) is seeking applications for the Coronavirus Emergency Supplemental Funding Program. The city of Lewiston is able to apply for this grant because the city was awarded federal grants through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program in FY2019.

If awarded the city of Lewiston would qualify up to \$85,314. "Funds awarded under the CESF Program must be utilized to prevent, prepare for, and respond to the coronavirus. Allowable projects and purchases include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas)." I have attached a copy of the solicitation from the DOJ if you or the city council would like additional information.

Chief Brian O'Malley



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U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance



Coronavirus Emergency Supplemental Funding Program Solicitation FY 2020 Formula Grant Solicitation

CFDA #16.034

Solicitation Release Date: March 30, 2020

Application Deadline: 11:59 p.m. eastern time on May 29, 2020

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) is seeking applications for the Coronavirus Emergency Supplemental Funding Program.

This solicitation incorporates the OJP Grant Application Resource Guide by reference. The OJP Grant Application Resource Guide provides guidance to applicants on how to prepare and submit applications for funding to OJP. **If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.**

Eligibility

The following entities are eligible to apply:

- States, U.S. Territories, the District of Columbia, units of local government, and federally recognized tribal governments that were identified as eligible for funding under the Fiscal Year (FY) 2019 State and Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program are eligible to apply under the Coronavirus Emergency Supplemental Funding (CESF) Program solicitation. NOTE: Only the State Administering Agency that applied for FY 2019 JAG funding for a state/territory may apply for the state allocation of CESF funding.

The eligible allocations for the FY 2020 CESF Program can be found at:
<https://bja.ojp.gov/program/fy20-cesf-allocations>.

For the purposes of the CESF Program, please note the following:

- The term "states" includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, and American Samoa. (Throughout this solicitation, each reference to a "state" or "states" includes all 56 jurisdictions.)

- The term “units of local government” includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state, or a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government also may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes; for example, in Louisiana, a unit of local government means a district attorney or parish sheriff.
- All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

Contact information

For technical assistance with submitting an application, contact the Grants Management System (GMS) Support Hotline at 888-549-9901, option 3, or via email at GMS.HelpDesk@usdoj.gov. The GMS Support Hotline operates 24 hours a day, 7 days a week, including federal holidays

An applicant that experiences unforeseen GMS technical issues beyond its control that prevent it from submitting its application by the deadline must email the NCJRS Response Center contact identified below **within 24 hours after the application deadline** to request approval to submit its application after the deadline. Additional information on reporting technical issues appears under “Experiencing Unforeseen GMS Technical Issues” in the **How to Apply (GMS)** section in the [OJP Grant Application Resource Guide](#).

For assistance with any other requirement of this solicitation, applicants may contact the NCJRS Response Center by telephone at 1-800-851-3420; via TTY at 301-240-6310 (hearing impaired only); by email at grants@ncjrs.gov; by fax to 301-240-5830; or by web chat at <https://webcontact.ncjrs.gov/ncjchat/chat.jsp>. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday, and 10:00 a.m. to 8:00 p.m. eastern time on the solicitation close date.

Post-Award Legal Requirements Notice

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions, and all applicable requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed in connection with award acceptance). OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

For additional information on these legal requirements, see the “Administrative, National Policy, and Other Legal Requirements” section in the [OJP Grant Application Resource Guide](#).

Deadline details

Applicants must register in GMS at <https://grants.ojp.usdoj.gov/> prior to submitting an application under this solicitation. All applicants must register, even those that previously registered in GMS. Select the “Apply Online” button associated with the solicitation title. All registrations and applications are due by 11:59 p.m. eastern time May 29, 2020.

For additional information, see the “**How to Apply (GMS)**” section in the [OJP Grant Application Resource Guide](#).

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Coronavirus Emergency Supplemental Funding Program Solicitation CFDA # 16.034

A. Program Description

Overview

The Coronavirus Emergency Supplemental Funding (CESF) Program will provide funding to assist eligible states, local units of government, and tribes in preventing, preparing for, and responding to the coronavirus.

Statutory Authority: The CESF Program is authorized by Division B of H.R. 748, Pub. L. No. 116-136 (Emergency Appropriations for Coronavirus Health Response and Agency Operations); 28 U.S.C. 530C.

Permissible uses of Funds

Funds awarded under the CESF Program must be utilized to prevent, prepare for, and respond to the coronavirus. Allowable projects and purchases include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas), and addressing the medical needs of inmates in state, local, and tribal prisons, jails, and detention centers.

Expenditures which require prior approval – There are no specific prohibitions under the CESF Program other than the unallowable costs that are identified in the DOJ Grants Financial Guide; however, the following items should be identified during application and appropriately justified as noted:

- **Individual items costing \$500,000 or more** – if the recipient intends to purchase an individual item that costs \$500,000 or more, those item(s) should be identified and thoroughly justified by the grantee and receive written prior approval from BJA post-award through the submission and approval of a Grant Adjustment Notice (GAN). Costs must be reasonable to receive approval.
- **Unmanned Aerial Systems (UAS), Unmanned Aircraft (UA), and/or Unmanned Aerial Vehicles (UAV)** – if the recipient requests to purchase an UAS, UA, and/or UAV, Federal Aviation Administration approval must be obtained as outlined here: https://www.faa.gov/news/fact_sheets/news_story.cfm?newsId=22615. Documentation related to these purchases should be included with the application or the applicant must receive written prior approval from BJA post-award through the submission and approval of a GAN.

Draw-down – Consistent with the CESF Program's purposes, which involve assistance in responding to the present national emergency in connection with the coronavirus, OJP has determined that eligible states (or State Administering Agencies) or units of local government may draw down funds either in advance or on a reimbursable basis. To draw down in advance, funds must be placed in an interest-bearing account, unless one of the exceptions

in 2 C.F.R. § 200.305(b)(8) apply. This interest-bearing account must be dedicated specifically for the CESF Program award, and funds other awards or sources may not be commingled with the funds in the account established for the CESF Program award. It is not necessary that the interest-bearing account be a “trust fund.” For additional information, see 2 C.F.R. § 200.305.

Prohibition of supplanting – Funds may not be used to supplant state or local funds but must be used to increase the amounts of such funds that would, in the absence of federal funds, be made available.

Limitation on direct administrative costs – Funds may not be used for direct administrative costs that exceed 10 percent of the total award amount.

B. Federal Award Information

Maximum number of awards BJA expects to make	1,873
Period of performance start date	January 20, 2020
Period of performance duration	2 years

Recipients have the option to request a one-time, up to 12-month extension. The extension must be requested via GMS no fewer than 30 days prior to the end of the performance period.

The expected eligible allocations for the FY 2020 CESF Program can be found at: <https://bja.ojp.gov/program/fy20-cesf-allocations>.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by statute.

Type of Award¹

BJA expects to make awards under this solicitation as grants. See the “Administrative, National Policy, and Other Legal Requirements” section of the OJP Grant Application Resource Guide for additional information.

Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements² as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See OJP Grant Application Resource Guide for additional information.

Budget Information

This solicitation expressly modifies the OJP Grant Application Resource Guide by not incorporating the “Limitation on Use of Award Funds for Employee Compensation; Waiver” provision in the “Financial Information” section of the OJP Grant Application Resource Guide.

¹ For purposes of this solicitation, the phrase “pass-through entity” includes any recipient or subrecipient that provides a subaward (“subgrant”) to carry out part of the funded award or program.

² The “Part 200 Uniform Requirements” means the DOJ regulation at 2 C.F.R Part 2800, which adopts (with certain modifications) the provisions of 2 C.F.R. Part 200.

Cost Sharing or Match Requirement

The CESF Program does not require a match.

Please see the OJP Grant Application Resource Guide for information on the following:

Pre-agreement Costs (also known as Pre-award Costs)

Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs

Costs Associated with Language Assistance (if applicable)

C. Eligibility Information

For eligibility information, see the title page.

For information on cost sharing or match requirements, see Section B. Federal Award Information.

D. Application and Submission Information

What an Application Should Include

See the “Application Elements and Formatting Instructions” section of the OJP Grant Application Resource Guide for information on what happens to an application that does not contain all the specified elements. (This solicitation expressly modifies the “Application Elements and Formatting Instructions” section of the OJP Grant Application Resource Guide by **not** incorporating paragraph two of that section (referring to nonresponsive applications or applications missing critical elements not “[proceeding] to peer review”). The solicitation further expressly modifies the “Application Attachments” section of the OJP Grant Application Resource Guide by **not** incorporating the “Applicant Disclosure of Pending Applications,” “Applicant Disclosure and Justification – DOJ High Risk Grantees,” and “Research and Evaluation Independence and Integrity” provisions.)

1. Application for Federal Assistance (Standard Form (SF)-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. See the OJP Grant Application Resource Guide for additional information on completing the SF-424.

Intergovernmental Review: This solicitation (“funding opportunity”) is subject to Executive Order 12372. An applicant may find the names and addresses of State Single Points of Contact (SPOCs) at the following website:

https://www.whitehouse.gov/wp-content/uploads/2020/01/spoc_1_16_2020.pdf

If the applicant’s state appears on the SPOC list, the applicant must contact the State SPOC to find out about, and comply with, the state’s process under E.O. 12372. In completing the SF-424, an applicant whose state appears on the SPOC list is to make the appropriate selection in response to question 19, once the applicant has complied with its State E.O. 12372 process. (An applicant whose state does not appear on the SPOC list should answer question 19 by selecting the response that the: “Program is subject to E.O. 12372, but has not been selected by the State for review.”)

2. Program Narrative

Describe the specific coronavirus prevention, preparation, and/or response efforts that will be addressed with this funding and include a summary of the types of projects or items that will be funded over the 2-year grant period.

3. Budget Information and Associated Documentation

Please note that the budget narrative should include a full description of all costs, including administrative costs or indirect costs (if applicable).

See the Budget Preparation and Submission Information section of the OJP Grant Application Resource Guide for details on the Budget Detail Worksheet, and on budget information and associated documentation, such as information on proposed subawards, proposed procurement contracts under awards, and pre-agreement costs.

This solicitation expressly modifies the OJP Grant Application Resource Guide by not incorporating the “Information on proposed subawards” provision in the “Budget Preparation and Submission Information” section of the OJP Grant Application Resource Guide. Specifically, OJP is suspending the requirements for CESF grant recipients to receive prior approval (either at the time of award or through a Grant Adjustment Notice) before making subawards.

For additional information regarding subawards and authorizations, please refer to the subaward section in the OJP Grant Application Resource Guide.

Please see the OJP Grant Application Resource Guide for information on the following:

4. Indirect Cost Rate Agreement (if applicable)

See the Budget Preparation and Submission Information section of the OJP Grant Application Resource Guide for information.

5. Financial Management and System of Internal Controls Questionnaire (including applicant disclosure of high risk status)

6. Disclosure of Lobbying Activities

How to Apply

An applicant must submit its application through GMS, which provides support for the application, award, and management of awards at OJP. Find information, registration, and submission steps on how to apply in GMS in response to this solicitation under **How to Apply (GMS)** in the OJP Grant Application Resource Guide.

E. Application Review Information

Review Process

BJA reviews the application to make sure that the information presented is reasonable, understandable, measurable, achievable, and consistent with the solicitation. See the OJP Grant Application Resource Guide for information on the application review process.

In addition, if OJP anticipates that an award will exceed \$250,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the nonpublic segment of the

integrity and performance system accessible through the System for Award Management (SAM) (currently, the Federal Awardee Performance and Integrity Information System, FAPIIS).

Important note on FAPIIS: An applicant, at its option, may review and comment on any information about itself that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by the applicant.

Absent explicit statutory authorization or written delegation of authority to the contrary, the Assistant Attorney General will make all final award decisions.

F. Federal Award Administration Information

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

Federal Award Notices

Administrative, National Policy, and Other Legal Requirements

OJP strongly encourages prospective applicants to review information on post-award legal requirements and common OJP award conditions **prior** to submitting an application.

In addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions, and all applicable requirements of federal statutes and regulations (including applicable requirements referred to in the assurances and certifications executed in connection with award acceptance).

For additional information on these legal requirements, see the “Administrative, National Policy, and Other Legal Requirements” section in the [OJP Grant Application Resource Guide](#).

Information Technology (IT) Security Clauses

General Information about Post-Federal Award Reporting Requirements

Any recipient of an award under this solicitation will be required to submit the following reports and data:

Required reports. Recipients typically must submit quarterly financial status reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

See the [OJP Grant Application Resource Guide](#) for additional information on specific post-award reporting requirements.

OJP may restrict access to award funds if a recipient of an OJP award fails to report in a timely manner.

G. Federal Awarding Agency Contact(s)

For OJP contact(s), see page 2 of this solicitation.

For contact information for GMS, see page 2.

H. Other Information

Please see the [OJP Grant Application Resource Guide](#) for information on the following:

[Freedom of Information and Privacy Act \(5 U.S.C. 552 and 5 U.S.C. 552a\)](#)

[Provide Feedback to OJP](#)

Appendix A: Application Checklist

Coronavirus Emergency Supplemental Funding Program: FY 2020 Solicitation

This application checklist has been created as an aid in developing an application.

What an Applicant Should Do:

Prior to Registering in GMS:

- Acquire a DUNS Number (see [OJP Grant Application Resource Guide](#))
- Acquire or renew registration with SAM (see [OJP Grant Application Resource Guide](#))

To Register with GMS:

- For new users, acquire a GMS username and password* (see [OJP Grant Application Resource Guide](#))
- For existing users, check GMS username and password* to ensure account access (see [OJP Grant Application Resource Guide](#))
- Verify SAM registration in GMS (see [OJP Grant Application Resource Guide](#))
- Search for and select correct funding opportunity in GMS (see [OJP Grant Application Resource Guide](#))
- Register by selecting the “Apply Online” button associated with the funding opportunity title (see [OJP Grant Application Resource Guide](#))
- Read OJP policy and guidance on conference approval, planning, and reporting available at ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm (see [OJP Grant Application Resource Guide](#))

If experiencing technical difficulties in GMS, contact the NCJRS Response Center (see page 2)

*Password Reset Notice – GMS users are reminded that while password reset capabilities exist, this function is only associated with points of contact designated within GMS at the time the account was established. Neither OJP nor the GMS Help Desk will initiate a password reset unless requested by the authorized official or a designated point of contact associated with an award or application.

Overview of Post-Award Legal Requirements:

- Review the [“Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2020 Awards”](#) in the [OJP Funding Resource Center](#).

Scope Requirement:

- The eligible allocations for the FY 2020 CESF Program can be found at:
<https://bja.ojp.gov/program/fy20-cesf-allocations>.

Eligibility Requirement:

States, U.S. Territories, the District of Columbia, units of local government, and federally recognized tribal governments that were identified as eligible for funding under the FY 2019 State and Local JAG Program will be eligible to apply under the CESF Program solicitation. NOTE: Only the State Administering Agency that applied for FY 2019 JAG funding for a state/territory may apply for the state allocation of CESF funding.

What an Application Should Include:

- Application for Federal Assistance (SF-424) (see [OJP Grant Application Resource Guide](#))
- Intergovernmental Review (see page 6)
- Program Narrative (see page 7)
- Budget Detail Worksheet (see page 7)
- Budget Narrative (see page 7)
- Indirect Cost Rate Agreement (if applicable) (see page 7)
- Financial Management and System of Internal Controls Questionnaire (see [OJP Grant Application Resource Guide](#))
- Disclosure of Lobbying Activities (SF-LLL) (see [OJP Grant Application Resource Guide](#))

LEWISTON CITY COUNCIL

MEETING OF APRIL 21, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

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

INFORMATION:

On October 15, 2019, the City Council agreed to convey 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St. to Lewiston Auburn Community Housing (LACH) in support of the Choice Neighborhood Plan. Since that action was taken, the focus of the Choice Neighborhood effort has shifted to laying the groundwork to apply for a Choice Neighborhood Implementation Grant, which could be for as much as \$30 million. With the Choice Planning and Action Grant, the City was the lead applicant and Community Concepts was the co-applicant. LACH is an organization created by Community Concepts.

With the Choice Implementation Grant, it will be more advantageous to have the Lewiston Housing Authority (LHA) be the lead applicant with the City as the co-applicant. Having a housing authority as the lead allows us to compete for an additional portion of Choice funding set aside only for housing authorities. The Lewiston Housing Authority has stepped up as a key participant in helping to implement and build upon the housing strategy articulated in the Choice Neighborhood Plan. A subsidiary of LHA, the Lewiston Auburn Housing Development Corporation (LAAHDC), has been created to take on the role previously played by LACH, including acquiring and managing redevelopment sites within the Choice Neighborhood.

While the council approved the conveyance of these properties to LACH in October 2019, LACH has requested that their rights to the conveyance of the property be assigned to LAAHDC. LAAHDC will continue to be governed by all of the rights and responsibilities initially assigned to LACH in the original transaction, including the attached Declaration of Affordable Housing Covenant.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

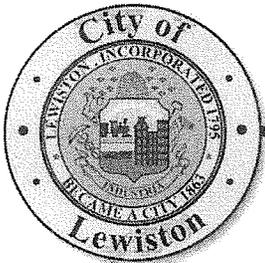
The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To approve the **Order**, Authorizing the City Administrator to Enter into an Agreement to Convey the Properties Located at 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St. to the Lewiston Auburn Area Housing Development Corp.



CITY OF LEWISTON, MAINE

April 21, 2020

COUNCIL ORDER

Order, Authorizing the City Administrator to Enter into an Agreement to Convey the Properties Located at 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St. to the Lewiston Auburn Area Housing Development Corp

Whereas, On October 15, 2019 the Lewiston City Council approved the conveyance of these 4 properties to LA Community Housing, a development corporation of Community Concepts, Inc. that has been a co-applicant and partner with of the City in developing a transformation plan for the residential neighborhood adjacent to downtown Lewiston through the Department of Housing and Urban Development's Choice Neighborhood program; and

Whereas, these four parcels make up a portion of a housing replacement site targeted for redevelopment and a site for homeownership development; and

Whereas, the focus of the Choice Neighborhood effort has shifted from developing the Choice Neighborhood Plan, *Growing our Tree Streets*, to preparing to apply for a Choice Neighborhood Implementation Grant which could bring as much as \$30 million of additional federal investment into Lewiston; and

Whereas, it is more advantageous to have the Lewiston Housing Authority be the lead applicant on the Choice Implementation Grant with the City as a co-applicant in that doing so will make the community eligible for Choice funding set aside only for applications submitted by housing authorities in addition to being eligible for the broader Choice funding; and

Whereas, the Lewiston Housing Authority has taken over the lead role on the redevelopment of the targeted housing replacement sites and, as part of that effort, has created the Lewiston Auburn Area Housing Development Corp to play the role previously played by LA Community Housing;

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

The rights and obligations related to the conveyance of 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St to LA Community Housing, approved by the City Council on October 15, 2019, is hereby assigned to the Lewiston Auburn Area Housing Development Corp; and

Furthermore, the City Administrator is authorized to enter into an agreement with the Lewiston Auburn Area Housing Development Corp to convey by donation these properties in order to support and advance the redevelopment plan outlined in the Choice Neighborhood Transformation Plan and to execute a Declaration of Affordable Housing Covenant, which would allow the reversion of the real estate to the City if sufficient progress is not made on redeveloping the parcels as outlined in the Choice Neighborhood Plan.

Economic and Community Development

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: **Assignment of Agreement to Convey City Owned Land**
Date: April 14, 2020

Background

At the October 15, 2019 meeting, the City Council agreed to convey 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St. to Lewiston Auburn Community Housing (LACH) in support of the Choice Neighborhood Plan. A copy of the council memo associated with that action is attached.

Requested Action

Since that action was taken, the Choice Neighborhood Planning effort has continued. The focus has shifted to laying the groundwork to apply for a Choice Neighborhood Implementation Grant, which could be for as much as \$30 million. With the Choice Planning and Action Grant, the City was the lead applicant and Community Concepts was the co-applicant. LACH is an organization created by Community Concepts.

With the Choice Implementation Grant, it will be more advantageous to have the Lewiston Housing Authority (LHA) be the lead applicant, with the City as the co-applicant. Having a housing authority as the lead allows us to compete for a portion of Choice funding set aside only for housing authorities in addition to competing for the rest of Choice funding.

The Lewiston Housing Authority has stepped up as a key participant in helping to implement and build upon the housing strategy articulated in the Choice Neighborhood Plan. A subsidiary of LHA, the Lewiston Auburn Housing Development Corporation (LAAHDC), has been created to take on the role previously played by LACH, including acquiring and managing redevelopment sites within the Choice Neighborhood.

While the council approved the conveyance of these properties to LACH in October 2019, LACH has requested that their rights to the conveyance of the property be assigned to LAAHDC. LAAHDC will continue to be governed by all of the rights and responsibilities initially assigned to LACH in the original transaction, including the attached Declaration of Affordable Housing Covenant.

DECLARATION OF AFFORDABLE HOUSING COVENANT

This DECLARATION OF AFFORDABLE HOUSING COVENANT (“Covenant”) is made on _____, 2020, by the **CITY OF LEWISTON**, a body corporate and politic established under the laws of the State of Maine with an office at 27 Pine Street in Lewiston, Maine 04240 (“City”).

BACKGROUND

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

The City declares as follows:

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

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

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

CITY OF LEWISTON

By: _____
Edward A. Barrett, City Administrator

STATE OF MAINE
ANDROSCOGGIN COUNTY

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

Before me,

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

Economic and Community Development

Misty Parker

Economic Development Manager

Lewiston



2007



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

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

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

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

Parcel information:

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



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



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



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



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

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

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

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

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

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

LEWISTON CITY COUNCIL
MEETING OF APRIL 21, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT: Resolve, Amending the Composition of the Ad-hoc Committee on Recycling and Waste Reduction

INFORMATION:

On July 16th, 2019, the Council adopted a resolution that created the Recycling and Waste Reduction Committee. The composition of the committee, as set out in that resolution, limited the number of elected officials who could serve on it to only one.

Councilor Jensen, the current elected official on the Committee, has asked that this be increased to two, recognizing that a member of the school committee has stepped up to act as a liaison between the Committee and the School Department.

The attached resolve would allow for, but not require, the appointment of a second elected official to this committee.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

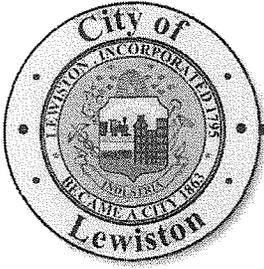
The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Amending the Composition of the Ad-hoc Committee on Recycling and Waste Reduction



CITY OF LEWISTON, MAINE

April 21, 2020

COUNCIL RESOLVE

Resolve, Amending the Composition of the Ad-hoc Committee on Recycling and Waste Reduction

Whereas, the City Council established the Ad-hoc Committee on Recycling and Waste Reduction in July 2019; and

Whereas, the composition of that committee restricted elected official representation on that committee to one; and

Whereas, a member of the School Committee has been serving as a liaison between the Committee and the School Department; and

Whereas, a request has been made that the composition of the committee be amended to allow for an additional elected official to be appointed;

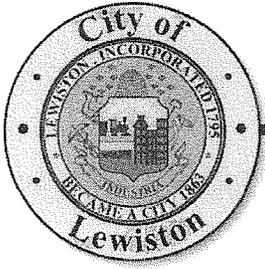
Now, therefore, be it resolved by the City Council of the City of Lewiston that

The composition of the Ad-hoc Committee on Recycling and Waste Reduction is hereby amended as follows:

Composition and Appointment

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

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



CITY OF LEWISTON, MAINE

July 16, 2019

COUNCIL RESOLVE

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

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

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

Purpose:

The purpose of the Committee shall be to:

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

Composition and Appointment

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

Committee Chair

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

Reports

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

Meetings

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

Staff Support

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

Term.

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

LEWISTON CITY COUNCIL

MEETING OF APRIL 21, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT: Review and Discussion of Proposed Allocation of Additional Community Development Block Grant Pandemic Funding.

INFORMATION:

The City will be receiving additional Community Development Block Grant funding through the federal CARES act. The intent of this funding is to allow communities some funding to address the economic impact of the current medical emergency on low and moderate income residents.

City staff has been looking at two primary areas for using this funding – rental/mortgage assistance and support for local businesses. Please see the attached memorandum from Linc Jeffers providing greater detail on these proposals.

We are also working to try to make this funding available as quickly as possible. However, we are still required to meet the requirements of the federal CDBG program, including the need to modify/amend our overall program plan and to meet public notification requirements for such changes.

At this point, we are looking for Council input and feedback on the proposed uses of this additional funding. Once we have received this feedback, we will finalize the proposals and begin publicizing and marketing them so that potential beneficiaries can begin applying for assistance as soon as possible. The actual program and plan changes will be before the Council at its May 5th meeting, and we hope to actually begin using the funding immediately thereafter.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

EAS/kmm

The City Administrator and Community and Economic Development staff are seeing comments and input from the Council as the programs to use these funds are finalized.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To Review and Discussion of Proposed Allocation of Additional Community Development Block Grant Pandemic Funding.

Economic and Community Development

Lincoln Jeffers

Director



WORKSHOP

To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: **Proposed Uses for CARES funding**
Date: April 16, 2020

Background

As part of their response to the Coronavirus pandemic Congress has provided additional CDBG funding. As an Entitlement Community, Lewiston will receive an additional \$538,518 in funding to be directed to addressing issues related to the pandemic. The process for allocating this funding is the same as that required for our regular CDBG allocation (\$915,413 in FY21). Economic and Community Development staff have been working to place the required public notices and initiate public comment periods in order to have the Council take action to amend our Citizen Participation Plan, Action Plan, and Consolidated Plans in order to get this funding on the street as soon as possible. We have also been working to develop programs that will not duplicate but will compliment other programs and focus on addressing the challenges brought forth by the pandemic.

Housing Assistance Program

The Mayor and others have had conversations with residents who have had a significant loss in income related to the pandemic that may result in an inability to meet rent or mortgage obligations. Under HUD regulations, during emergencies, CDBG funds may be used to pay for up to three months of rent, mortgage, and/or utility payments on behalf of low/moderate income people. Attached is a chart showing the income caps based on household size for residents who are eligible under the program.

Staff has developed a program that will use CDBG funds to pay up to \$1,000 per month in rent or mortgage payments for up to three months and up to \$500, in total, for utility assistance over that three month period. For residents approved under the program, payments will be made directly to landlords, lenders, or utility companies. The amount of financial support will vary with each applicant, with the goal of helping as many residents as possible. For example, if a household has monthly rent or a mortgage payment of \$1,000, but has the resources to pay \$500 of that amount, they would be eligible to have the other \$500 paid on their behalf to their landlord or lender. While the amount of support available to any single household is limited to 3 months, the program is expected to be operational for perhaps as long as 2 years, or as long as there are funds available.

Payments under the program cannot be used to pay past due amounts. They may only be used for costs incurred starting in May. Residents seeking assistance cannot have been noticed for eviction or foreclosure. Landlords or lenders receiving payments from the program cannot evict or foreclose on the household receiving assistance. The loss of income needs to be a result of the pandemic.

Other CARE Programs

Many local businesses have already taken advantage of the Payroll Protection Program (PPP) and Economic Injury Disaster Loans provided by the federal government. However, as of April 16th the amount of funding available under the PPP was fully allocated. Congress is debating whether to provide another round of funding and, if so, how much.

Staff has developed three grant programs designed to assist local businesses based on the needs identified through many calls and conversations with Lewiston businesses. These grant programs are designed to help bridge gaps between expenses and income caused by the pandemic. They can be used for working capital, to address physical improvements needed to address social distancing protocols, and to help keep people employed during the pandemic.

Rehabilitation Assistance

Up to \$1,750 in grant assistance would be provided for materials and equipment needed to remain open while implementing social distance practices.

Microenterprise Grant

The Microenterprise Grant would provide up to \$15,000 to local businesses that employ between 1 and 5 people. To comply with federal requirements, the business owner must be low/moderate income or employ or create jobs where at least 51% of the workers are low/moderate income. Funds can be used for working capital, operating costs, and/or technical assistance.

Economic Development Grant

Up to \$25,000 will be granted to businesses that employ 6-25 people, again with 51% of those employees being low/moderate income.

For each of these grant programs at least one low/moderate income job must be created or retained for each \$25,000 or portion thereof granted. This standard may be met by bringing back employees laid off as a result of the pandemic.

General Assistance Position

The level of activity in the City's General Assistance office is anticipated to increase significantly as the economic impacts of the pandemic take hold. Staff is recommending that \$55,000 of the CARE funding be used to pay salary and benefits for a new position in the GA office.

Other Considerations

There are costs associated with administering these programs. Applications need to be received, documentation verified, and other federal requirements met. Staff in GA will be assisting with the housing assistance application. A portion of the CARE funds should be used to pay these program delivery costs.

The CARE funding allow funds provided to Social Service Agency to exceed the 15% cap under regular HUD program rules. At this time, staff is not sure what additional funding agencies may require. Under our regular CDBG allocation process for FY21, which the city council will also be taking action on at the May 5th meeting, agencies are receiving much more of their funding request than they have in the last decade. However, we will monitor their situations and, if necessary and the funds are available from other CDBG budget areas with lower than anticipated demands, additional social services funding could potentially be made available.

ECD staff is working hard to develop programs that will assist our residents and businesses in an evolving regulatory climate. The process to allocate this additional funding requires public notice, an amendment to our CDBG Citizen Participation Plan, a substantial amendment to our 2015-2019 Consolidated Plan, a substantial amendment to our 2019 Action Plan, approval of the 2020 Action Plan (you received these budget item for review for the March 26 Council Workshop), and approval of the CARE Act budget.

Budget

Staff is developing a budget to recommend how much of the \$538,518 in CARES funding should flow to each of these programs and the administration of the programs. The proposed budget will be presented at the workshop. It is challenging, in that it is unknown how much demand there will be for each program, and what other federal or state programs may come on line to meet similar demands. The amount dedicated to each program is the Council's decision and can be adjusted in the future once the level of demand is determined.

This memo and workshop is to inform you of efforts underway and actions that will need to be taken at the May 5th Council meeting to get the CARE Act money out into the community. We also want to get the word out about the programs in the pipeline so applicants can get their applications in as soon as possible, although we will not be able to release checks to landlords or lenders until May 6.

At this point, we are seeking Council feedback as we finalize the design of these programs and begin to publicize and market them.

2019 Income Limits-Lewiston

AMI by Household Size

	1	2	3	4	5	6	7	8
65%	\$ 29,510	\$ 33,735	\$ 37,960	\$ 42,120	\$ 45,500	\$ 48,880	\$ 52,260	\$ 55,640
80% Low	\$ 36,300	\$ 41,500	\$ 46,700	\$ 51,850	\$ 56,000	\$ 60,150	\$ 64,300	\$ 68,480

LEWISTON CITY COUNCIL
MEETING OF APRIL 21, 2020

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

SUBJECT:

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

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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