

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
MAY 5, 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. Workshop

- A. Review of the Impact of Eliminating Vacant Positions – 20 minutes
- B. Elected Official Priorities for 2020 and 2021 – 30 minutes

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 21, 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 2.

REGULAR BUSINESS:

1. Public Hearing on the renewal application for a special Amusement Permit for Live Entertainment for Ramada Lewiston Hotel & Conference Center, 490 Pleasant Street.
2. Public Hearing & First Passage for re-zoning the properties at 949 College Street, 2 East Merrill Rd, 4 East Merrill Rd, 6 East Merrill Rd, 8 East Merrill Rd, 10 East Merrill Rd and portions of 1 East Merrill Rd, 3 East Merrill Rd and 5 East Merrill Rd from the Rural Agriculture (RA) District to the Low-Density Residential (LDR) District.
3. Resolve, Amending the City of Lewiston Annual Action Plan and Proposed Budget for the Community Development Block Grant Program for the Period of July 1, 2019 to June 30, 2020.
4. Resolve, Amending the 2015-2019 CDBG Consolidation Plan and FYY 19 Action Plan.
5. Resolve, Approving and Adopting the 2020-2024 CDBG Consolidated Plan, FFY 2020 CDBG Action Plan, and FFY 20 HOME Action Plan.
6. Resolve, Accepting and Appropriating Community Development Block Grant CARES Act Funding.
7. Resolve, Approving and Adopting the 2020-2024 Analysis of Impediments to Fair Housing Plan.
8. Public Hearing and Adoption of the FY2021 Lewiston Capital Improvement Program Bond Issue Order.
9. Final Budget Public Hearing for the Fiscal Year 2021 Municipal Budget.

10. Receiving the Finance Committee Recommendation Regarding the Proposed Fiscal Year 2021 Municipal Budget.
11. Resolve, Authorizing the Use of \$1,593,068 from the General Fund Unassigned Fund Balance for Capital Outlay purchases and other one-time expenses, and \$1,650,000 to carryforward and balance the FY21 General Fund Operating Budget.
12. Resolve, Approving the Final Budget Adjustments to the Fiscal Year 2021 Municipal Budget.
13. Resolve, Making an Appropriation for Municipal Budget Year 2021.
14. Resolve, Making Appropriation for Utility and Special Revenue Funds for Municipal Budget Year 2021.
15. Order, Authorizing the City Administrator to provide city services and funding for City Non-Profit Organization Activities in accordance with the FY2021 City Council approved list.
16. Resolve, Authorizing the Use of \$1,500 from the Farrar Fund for Costs of Basic Necessary Service for Needy Individuals.
17. Resolve, Authorizing Transfer of \$930,000 from Various Capital Projects to fund the \$400,000 Local Share of the Airport FBO Ramp Construction Project, the \$330,000 FY21 Lewiston Technology Plan, and the \$200,000 Canal Street Parking Garage Repair Project.
18. Resolve, Authorizing Transfer of \$305,000 from various Capital Projects to fund the \$255,000 Dingley Building Security Project and the \$50,000 mobile hotspots project.
19. Order, Authorizing the Library Director to Apply for and Accept a National Endowment for the Humanities Grant under their newly-created NEH Cares: Cultural Organizations program.
20. Order, Authorizing the City Administrator to Execute and Option Agreement with Avesta Housing Development Corporation for the Sale and Redevelopment of the Former Martel School.
21. Order, Authorizing the City Administrator to execute a Collective Bargaining Agreement with the International Association of Firefighters Local #785.
22. Reports and Updates
23. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, MAY 5, 2020
6:00 PM

1. Review of the Impact of Eliminating Vacant Positions – 20 minutes

Several Councilors have asked questions regarding the impact of freezing certain vacant positions in the FY21 budget and Mayor Cayer requested that staff provide this information. See the attached memorandum.

2. Elected Official Priorities for 2020 and 2021 – 30 minutes.

Several weeks ago, the Council briefly reviewed a summary of the priorities that were discussed at the Council planning session in February. At that discussion, there were some preliminary comments regarding establishing key priorities and goals. Several Councilors suggested reordering the priorities to move public safety up, and there was a recommendation that Code Enforcement be included in the item on Community Safety. The Mayor has asked that this be placed on a workshop agenda for additional discussion of goals and priorities prior to its final adoption. The summary is attached.



EXECUTIVE

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

April 30, 2020

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Vacant Positions

Subsequent to some questions from various Councilors, Mayor Cayer asked that information regarding the impact of eliminating 12 currently vacant position might have on city operations. The following has been prepared based on information provided by the various departments that would be affected.

POLICE DEPARTMENT. Police Officers (2) \$60,192 per position

Currently, the police department has five vacant positions. That will increase to six with a pending retirement at the end of June. Note, however, that four individuals are currently in training, further reducing the department's field availability. In effect, the department is currently nine positions under authorized levels and that will increase to ten at the end of this fiscal year and fall to six once the trainees are qualified to operate independently.

Five new hires were sent to the police academy in December 30, 2019 with the expectations that they would graduate on May 1, 2020. However, one of the officers resigned from the academy and, when the pandemic began, the academy shut down. Once these individuals do graduate, they will enter into our field training program, which lasts 12 weeks, prior to being available to work on their own.

In addition to the six vacancies, it is common to have at least two officers on light duty or military leave at any one time, which also affects the available officers to deploy on the streets.

The budget proposes freezing two of the remaining six vacancies. The Department will be working toward hiring individuals to begin the academy training session originally scheduled to begin in August, although the actual start date is currently uncertain. Slots in the academy are often in high demand, so there is no guarantee as to how many slots will be available to us or whether we will succeed in finding four individuals to hire. Note further that individuals sent for training in August would not be available to work on their own until about eight months from now, given the 18 week academy and 12 week field training requirements.

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Assuming these four vacancies are filled with trainees, the two frozen positions, if funded, would potentially afford us the opportunity to hire officers from other agencies who are already academy certified. Note that this normally requires some reimbursement to the agency they are leaving for the costs associated with their training. Such individuals are not always available; however, we recently hired two such officers in September and October of 2019.

Assuming we achieve full staffing, the additional positions that were added to the department during the current budget would allow staffing the community resource team with three patrol officers and a sergeant and allow this team to patrol Lisbon St on bike and interact with downtown residents in a positive way.

The selective enforcement team is currently not fully manned and, without these positions, the department cannot put additional officers on this team, which focuses on prostitution, drugs, and any other criminal issues that arise in the city. It works along with MDEA and our federal partners; but their investigations are meant to be quick, and they are able to address impromptu hot spot criminal activity rapidly.

When the department is under strength, individuals assigned to the community resource and selective enforcement teams may be required to be shifted back to the patrol division to ensure that the Department is responding adequately to calls for service. In addition, vacancies can and do create a need for additional departmental overtime, particularly during the summer months, school vacation periods, and the holidays.

FIRE DEPARTMENT. Fire Inspector \$58,815

Leaving this position unfilled will potentially have the following effects:

- Increased workload for current inspectors
 - Current inspectors are consistently behind due to the inspection workload.
 - Antiquated systems (being addressed)
 - Record management systems being implemented, but the lack of third inspector effects how information will be input.
 - Inefficient workflow (being addressed)
 - Difficult to address due to decreased management oversight (Lack of management staff to adequately move the inspection program forward)
 - Shear number of inspection and complexity of inspections that need to be accomplished.
 - Currently on an approximate 5-7 year rotation cycle for multifamily residential structures. This will continue and potentially get longer due to the residual impacts of the state shut down and job loss.
 - When rent is not paid, the building owners do not perform the needed maintenance

- When maintenance is not done, the fire safety hazard increases, which, in turn, will make inspections longer and more complex.
 - When payments, maintenance etc... decrease, there is an inverse effect on fire danger. This increase in fire risk is for both residential and commercial structures.
 - This increase in risk and inspection complexity may increase the rotation cycle to beyond the 5-7 years, which in turn creates more risk.
- Inability to perform functions for the City Rental Registration Program.
 - This inspector position was primarily for rental registration and residential inspections, particularly to increase the ability of the Department to conduct proactive inspections during the period when engine companies cannot be utilized.
 - Without this position these functions cannot be accomplished.
- Additional inspections cannot be completed which will contribute to the 5-7 year inspection rotation issue.
 - We will be unable to address this 5-7 year cycle effectively.
- The department will not be able to effectively implement a regular proactive commercial building inspection program.
- The department inspection process will continue to be reactive in nature
- Fire & Life Safety programs will continue at a bare minimum.
 - The new inspector was to assist with educational programming for the department
- Information to be input into the RMS will continue to be at a slow pace.
 - Utilizing the information from the rental registration program, residential inspections, and commercial inspections, the new hire was to assist with the development of workflow and information input processes to increase the efficiency of the inspections program.
- Code review and development will continue to be reactive and will lag behind current safety trends.

Ultimately, fire and life safety risks will increase due to multiple factors, but our ability to address them will decrease. The department will continue to do all it can to mitigate these risks, but in reality it will become more and more difficult. While one inspector does not solve our identified issues, it certainly would make difference in our ability to offer inspection services.

PUBLIC WORKS DEPARTMENT

Project Engineer. \$79,225

This position is one of 4 engineers in the Engineering Division. This is a project engineer that directly performs designs on the highway, open space, water, and sewer systems for capital upgrade projects. This engineer also provides oversight for designs

performed by consulting engineers. It implements DEP and EPA mandatory environmental programs, such as StormwaterMS4, Combined Sewer Outfalls-NPDES, and Urban Impaired Stream Management. Our engineers also do double duty serving as inspectors on a number of projects to ensure the quality of our investments.

The impact of not filling this position will be the need to hire consultants at a cost of up to 2 to 3 times the in-house direct cost and an increase in the potential for delays in project delivery. Although we have made a number of cuts to the capital program, there is a significant suite of funded projects in the design que, many of which are tied to economic development related topics. Finally, this position has asset management responsibilities, including software implementation, daily oversight of remote inspection contractors, and responding to deficiencies discovered daily through inspections of the sewer and storm drain system. There is a large backlog of repairs spread across the City that need review for priority, design, coordination with paving projects, and developing bid and contract documents. This is work that would be difficult to assign to a consultant.

Eng. Technician III. \$78,393

This position is tentatively being vacated this spring through a planned retirement. It is responsible for maintaining the city's many current and historic plans, right of way control, and surveys. In a historic city such as ours, maintaining records and being able to manage city property and rights of way is a very important element of normal city operations, but it becomes critical during public and private development projects. Leaving this position vacant will hamper our ability to catalog and retrieve plans efficiently, scan new plans, and perform deed/right of way research. Some of this may fall to a consultant but, more likely, much of this work will fall behind. The Engineering Tech III also helps with inspection and oversight on small projects, typically parks and curb/sidewalk jobs. It does CAD work on small/special projects, field survey/GPS, and helps to investigate general citizen complaints. This position is critical as the city recovers and climbs out of this depressed economy.

Electrician \$78,953

This is an anticipated vacancy this spring with the retirement of the Electrical Superintendent. The proposal is to fill the superintendent's position and leave one vacancy on the electrical staff. This seven person unit performs a series of essential tasks including maintaining the two water and 16 sewer pump stations, 53 traffic signals, more than 2,000 street lights, along with other city electrical infrastructure. This unit also contains the city electric inspector, serving both Public Works and Code Enforcement. Holding one of these positions vacant will impact our ability to maintain this infrastructure and respond to emergencies in these areas in a timely manner. Some of this work could be contracted, but costs could be double those of in-house labor and responsiveness will be impacted.

Mechanics (2). \$63,330 each

We have had difficulty filling these positions at our current rate of pay for a heavy equipment mechanic. However, our hope was that current trends in employment nationwide would make our search more fruitful. The municipal garage primarily serves Lewiston Public Works, Fire, and Police, with lesser work being performed for the school system and county. The garage has typically run two shifts, one day and one night, to ensure that vehicles and equipment gets back on the road as soon as possible. Given the three current vacancies, we have reverted to one shift. Holding these positions open may impact our ability to return to two shifts. We will remain reactive instead of proactive in vehicle maintenance, increasing fleet costs over time. This will increase the amount of repairs being farmed out to private garages, at a higher costs and with a loss of control over the responsiveness of those repairs. This will impact other PW divisions when breakdowns occur and equipment becomes unavailable equipment.

Equipment Operator. \$51,734

This vacancy is anticipated after promotion of a staff member to the vacant Open Space District Manager. There have been a few impacts associated with not filling this position. Currently we run two snow fighting crews (A&B teams) operating approximately 29-32 pieces of equipment during storms. This position would serve the A-Team, allowing another employee to serve on the B-Team. After 16 hours of snow fighting, the B-team takes over and, for the last two winters, we have had to park 9 to 14 pieces of equipment once the B-team comes on. This is without people being out sick or otherwise unavailable. It can take up to 6 months for a new employee to secure a class B commercial driver's license and be trained to plow with a traditional plow/sander. Winter Operations is not the only assignment impacted. Equipment operators are at the top of their profession and can operate the widest variety of equipment. Staff shortages can delay other essential duties from several weeks up to several months, such as sidewalk repairs, general paving, curb repairs, and storm water assignments due to limited availability of Equipment Operators needed to sustain all essential duties. Lastly, many of these skilled workers are on average closer to retirement, something that has become very clear during the Covid-19 stand down. Not rotating new people into these positions and allowing them to gain skills will have long term implications as future retirements occur.

Recreation Programmer. \$72,295

The community and city might have noticed a lack of presence and activity from Lewiston Recreation since February, largely due to the loss of our Program Coordinator who moved to a director position elsewhere in Maine. The Program Coordinator is responsible for planning and executing over 2/3 of all activities offered by the Recreation Division. The continued loss of this position will be catastrophic for what Lewiston Recreation can offer this community.

Lewiston Recreation's mission is to provide affordable services, facilities, and programs that will improve the quality of life within our community. The loss of the Program Coordinator will render us unable to fulfill that mission. We can offer our programs to the public at very low registration fees due to funding the Program Coordinator through the operating budget. All other expenses for activities come from the programs and activities themselves. If each program or activity is now required to cover all expenses, registration fees will need to rise to cover them. The clientele we serve comes from all walks of life, but especially lower income families. These families rely on Lewiston Recreation's reasonable program pricing so that their children can learn a sport and be part of a team and their community.

One great example of how we reduce the fees passed on to registrants is our Cheering program. Private cheer programs charge \$300 and up, excluding the uniform, and require fundraising in addition to the registration fee. Our program costs \$120, uniforms included. We host a cheer competition annually with that revenue offsetting expenses. This cheer meet is led by the Program Coordinator. If this position is no longer in the Operating Budget, we will be unable to offer this meet, which, over the past 3 years alone, has brought in \$5,000-\$8,000 in revenue.

What follows is a list of the programs that will be affected by the loss of the Program Coordinator:

- **Basketball** - November through February, 300 participants
- **Camp Smiles Summer Day Camp** - eight weeks, June through August, 60 or more participants
- **Cheerleading** - September to April, 45 participants
- **Field Hockey** - indoor and outdoor, 48 participants
- **Lacrosse** - from April to June, 120 participants
- **Lego Robotics** - January to April, 20 participants
- **Pickleball** - indoors from September to May. Outdoors May to September, 20 participants
- **Soccer** - September through October, 156 participants
- **T-ball** - two six week sessions, indoor and outdoor, March to May, 75 participants
- **Youth Tennis** - from June to August, 44 participants
- **Youth Volleyball** - September to November, 31 participants

These programs will either not be offered or will require an increase in program registration fees to continue. This cut will also impact our ability to offer our Camp Smiles Summer Day Camp for the 2021 season since much of its planning must be done in the Spring, prior to camp taking place. Waiting until FY22 to add this position back will be too late for many summer 2021 activities.

The attendance at Camp Smiles Summer Day Camp has doubled in the past two years. The careful hiring of Camp staff, updated staff training, and expansion of age appropriate camp activities has made Camp Smiles successful, with repeat campers and siblings returning year after year. The credit for this goes to the work of the Program Coordinator. Remaining Recreation staff would not be able to take on camp duties, without neglecting their own.

The need to hire a Camp Superintendent for from May to August, at a pay rate reflective of their education and experience, would cost the city approximately \$10,000, if we could get a qualified candidate in this part-time role for 3 months. This would impact the number of camp counselors hired, the number of field trips taken, and the number of activities LRD would be able to provide. The quality of the Camp Smiles experience would be greatly reduced.

Without proper staffing levels, LRD will have to start saying "no." This is a last resort. We have prided ourselves on being able to say, "We'll try it, and /or yes!" Or, even worse, we will have to cut programs or increase our program registration fees in these stressful times.

FINANCE DEPARTMENT. Auditing Sr. Principal Clerk. \$50,050

The impacts of not filling this position are:

1. Loss of an ACD agent who answers inbound calls to City Hall, fields questions, and routes calls to the appropriate departments;
2. This is the position with primary responsibility for issuing Excavation and Street/Sidewalk Occupancy permits.
3. This is the pRimary position that processed Vendor setup requests, verifying proper document submission and 1099 setup to ensure that accounts payable are handled in a correct and timely manner;
4. Similarly, it is the primary position that ensures accounts payable invoices are coded properly and batched for weekly processing;
5. It is one of two positions with the primary duties to serve all customers with requests or questions involving parking and multi-unit trash and permit requests. It serves other divisions/departments on issues relating to proper billing and invoice processing;
6. This position plays a key role as part of a team that ensures all billing, payments, invoices, and other duties under the Finance Department are processed in an accurate and timely manner while preserving proper segregation of duties;
7. Other position duties include: postage processing, insurance claims, and wellness activities)

DRAFT

DRAFT

Summary-Draft Goals of Council Planning Session 3/1/20

A) Economic Development

- Sustainable Local Economy – Support Local Small Businesses such as Niche Restaurants, Retail, and Night Life Offerings Appealing to Younger Residents;
- Review Zoning Ordinances and Regulatory Processes to Ensure Lewiston is a Community that Works to Find Ways to Say Yes to Projects;
- Review Vacant Parcels to Understand Where Development is Possible and What Type of Development These Properties will Support;
- Support Technical Education;
- Support CMP Corridor.

B) Housing

- Study Local Housing Availability to Determine Gaps and Needs;
- Provide Housing Committee Direction;
- Expand Housing Options at all levels, Including Housing for Young Professionals and Seniors;
- Work to Increase New Mainer Residential Ownership;
- Develop a Plan for the Homeless Population and Enhance Shelter Availability;
- Support Choice Neighborhood Effort for the Tree Streets.

C) Relationships

- Continue to Build Relationship with School Committee
 - Increase Meetings with School Committee;
 - Understanding the Issues and Challenges the Council and School Committee are Facing;
 - Work together on long term Capital Needs;

- Immigration/Refugee relationships with the City;
- Education of New Mainer Community.

D) Enhance Perceptions of Lewiston as a Safe Community

- Develop Policing Plan for Community;
- Target Policing- violence, prostitution, drug dealing with flexibility;
- Enhanced Police Presence through Periodic Walking Beat, Bikes, Officers Interacting with Residents.

E) Infrastructure

- Creatively Address Budget Restraints for Road and Sidewalk Improvements;
- Continue review/improvements of City Facilities (PW, City Hall);
- Explore Need for Year Round Indoor Recreation Facility;
- Research and Implement Green Infrastructure (e.g., Green Parking Lots);
- Review Second Water line from Lake Auburn.

F) Place Making

- Become a Community of Choice to Grow our Population (Walkability; Mixed Use Neighborhoods; Public Transit; Community Safety; and Arts Friendly);
- Be an Age Friendly Community - "youngest to oldest and all in between;"
- Emphasize Quality of Life;
- Enhance Recreational Improvements;
- Continue Riverfront Island Success and Momentum.

G) Governmental Services

- Increase Constituent Meetings;
- Review City Hall Hours;
- Work to have less paper for Meeting Agendas;
- Continue Technology Upgrades;
- Improve ways to provide city information to all residents – Communications Plan;
- Review City's Environmental Sustainability & Carbon Foot Print;
- Parking Management.

H) Employees

- Review benefits for all employees for retention and hiring.

I) Committees

- Review all Committees with report on why they exist, responsibilities, make up, and who staffs them.

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Ramada Lewiston Hotel & Conference Center, 490 Pleasant Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Ramada Lewiston Hotel & Conference Center, 490 Pleasant 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.

EA3/kmm

REQUESTED ACTION:

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To grant a Special Amusement Permit for Live Entertainment to Ramada Lewiston Hotel & Conference Center, 490 Pleasant Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 04-21-20

Expiration Date: 05-26-20

- 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: Ramada Lewiston Hotel / Conference Center Business Phone: 207-784-2331

Location Address: 490 Pleasant St. Lewiston, ME 04240

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

Mailing Address: 490 Pleasant St. Lewiston, ME 04240

Email address: gm@ramadame.com

Contact Person: Sam Shekhar Phone: 207 440 0055

Owner of Business: Tusharkumar Patel Date of Birth: 11-11-1977

Address of Owner: 6A Dock Lane Salisbury, MA 01952

Manager of Establishment: Tom Patel Date of Birth: _____

Owner of Premises (landlord): Atithi Group Lewiston LLC

Address of Premises Owner: 6A Dock Lane, Salisbury, MA 01952

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): Ramada Lewiston

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: Atithi Group Lewiston LLC

Corporation Mailing Address: 490 Pleasant St., Lewiston, ME 04240

Contact Person: Sam Shekhar Phone: 207 440 0055

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 license 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: General Manager Date: 04-20-20

Printed Name: Tusharkumar Patel.

Hearing Date: 5-5-2020

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing & First Passage for re-zoning the properties at 949 College Street, 2 East Merrill Rd, 4 East Merrill Rd, 6 East Merrill Rd, 8 East Merrill Rd, 10 East Merrill Rd and portions of 1 East Merrill Rd, 3 East Merrill Rd and 5 East Merrill Rd from the Rural Agriculture (RA) District to the Low-Density Residential (LDR) District.

INFORMATION:

The property owner of 10 East Merrill Road would like to change the zoning of the properties listed above as part of his request to modify the front and side building setback requirements for the construction of a residence and accessory structure at 10 East Merrill Rd. The split zoning of the Latulippe Subdivision directly impacts 3 other properties at 1, 3 and 5 East Merrill Rd.

On April 28, 2020 the Planning Board voted unanimously (7-0) to send a favorable recommendation to the City Council to rezone the above referenced properties.

The attached memorandum from City Planner Douglas Greene offers additional information regarding this item.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

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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That the proposed amendment to re-zone the properties at 949 College Street, 2 East Merrill Rd, 4 East Merrill Rd, 6 East Merrill Rd, 8 East Merrill Rd, 10 East Merrill Rd and portions of 1 East Merrill Rd, 3 East Merrill Rd and 5 East Merrill Rd from the Rural Agriculture (RA) District to the Low-Density Residential (LDR) District, receive first passage by a roll call vote and to continue the hearing to the next regularly scheduled City Council meeting.

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

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 IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning Map

The City of Lewiston hereby ordains that the official Zoning Map of the City of Lewiston be amended by rezoning the properties located at 2 East Merrill Road (*See Androscoggin County Registry of Deeds at Book 3925, Page 169*), 949 College Street (*See Said Registry at Book 5260, Page 121*), 4 East Merrill Road (*See Said Registry at Book 7643, Page 4*), 6 East Merrill Road (*See Said Registry at Book 5118, Page 348*), 8 East Merrill Road (*See Said Registry at Book 8090, Page 56*), 10 East Merrill Road (*See Said Registry at Book 9672, Page 251*), and portions of 1 East Merrill Road (*See Said Registry at Book 7396, Page 246*), 3 East Merrill Road (*See Said Registry at Book 6600, Page 58*), and 5 East Merrill Road (*See Said Registry at Book 4016, Page 298*); as described in the Map attached hereto as Exhibit "A" and depicted on Land Use and Space and Bulk Chart attached hereto as Exhibit "B", from the Rural Agriculture (RA) to Low Density Residential (LDR).

REASONS FOR THE PROPOSED AMENDMENT

The reasons for the proposed amendment includes correcting the split zoning of the Latulippe Subdivision, which will permit lot owners to make reasonable modifications and additions to the structures on their land. Said purpose is in compliance with the City of Lewiston's Legacy Lewiston Comprehensive Plan (hereinafter the "Plan"), which states "[f]urther from downtown, neighborhoods take on suburban pattern with cul-de-sacs and limited points of entry. These low-density neighborhoods started developing in the 1950s, utilizing a suburban a form that was supported by the City's zoning and land use code." *See Legacy Lewiston Comprehensive Plan at Page 33.*

The proposed amendment would correct a split in zoning as to 1, 3, and 5 East Merrill Road. All three properties are currently both Low Density Residential and Rural Agricultural. This split in zoning creates uncertainty for the subject properties in complying with the zoning and land use code.

Rezoning the entire Latulippe Subdivision to Low-Density Residential (LDR) will align the neighborhood character with the appropriate zoning.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The City Council of the City of Lewiston hereby determines that the change to the Zoning Map is in conformance with the Comprehensive Plan for the following reasons:

- 1) The properties are currently zoned partly Rural Agricultural (RA), while some lots are partially or entirely zoned as Low Density Residential LDR).
- 2) The Legacy Lewiston Comprehensive Plan describes Low-Density development as, “[f]urther from downtown, neighborhoods take on suburban pattern with cul-de-sacs and limited points of entry. These low-density neighborhoods started developing in the 1950s, utilizing a suburban a form that was supported by the City’s zoning and land use code.”
- 3) The Latulippe Subdivision was designed and approved as a low density neighborhood not as an agricultural area. *See* Legacy Lewiston Comprehensive Plan at Page 33.

We therefore believe the new zoning will meet the purposes of the LDR zone. Below is a table showing how the Rural Agricultural (AR) District compares to the Low Density Residential (LDR) District.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council

FROM: Douglas Greene, City Planner

DATE: April 28, 2020

RE: Planning Board recommendation: East Merrill Road Area Zone Request

The Planning Board took the following action at their Zoom meeting held on April 27, 2020:

MOTION: by **Lucy Bisson**, to send a favorable recommendation to the City Council for the zoning application to change the zoning of properties located at 949 College Street, 2 East Merrill Road, 4 East Merrill Road, 6 East Merrill Road, 8 East Merrill Road, 10 East Merrill Road and portions of 1 East Merrill Road, 3 East Merrill Road and 5 East Merrill Road from Rural Agriculture (RA) to Low-Density Residential (LDR) in the Latulippe Subdivision with the findings:

1. The application meets the requirements of Article XVII, Amendment and Other Legal Provision, Section 5 Amendments.
2. The purpose and intent of the 1988 amended Latulippe Subdivision was to create a low-density type development.
3. The rezoning of the portion of the Latulippe Subdivision currently zoned Rural Agriculture (RA) to Low-Density Residential will bring the development into conformance with the Comprehensive Plan's description of a low-density type development (pg. 33).
4. The portion of the Latulippe Subdivision zoned Low-Density Residential in 1988, did not anticipate that the subsequent low-density development (Latulippe Subdivision rev. 2) would extend into land zoned Rural Agriculture and create split-zoned properties.

Second by **Norman Anctil**.

VOTED: 7-0 (Passed Unanimously)

During the public hearing for this item, no one spoke in opposition or support.

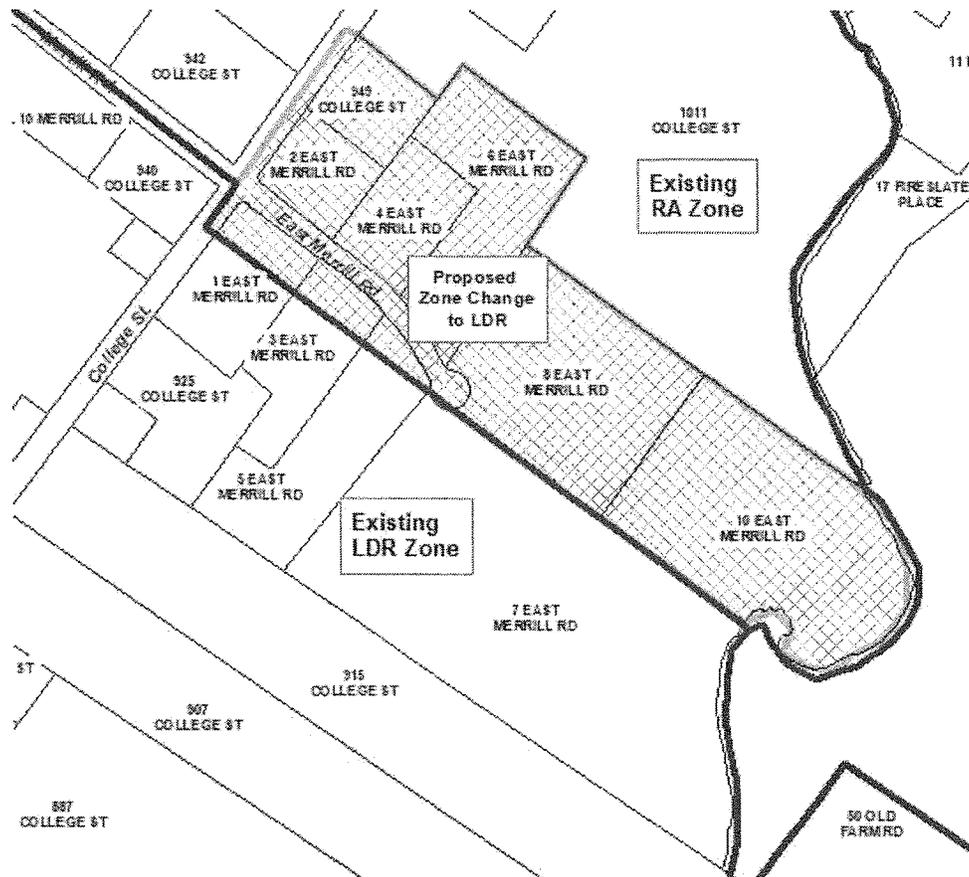


CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board
FROM: Douglas Greene, AICP, RLA, City Planner
DATE: April 27, 2020
RE: Agenda Item 4b, East Merrill Road Zone Change Request

A petition submitted by David Langelier, property owner of 10 East Merrill Road, seeks to change the zoning from Agricultural Rural (AR) to Low-Density Residential (LDR) for properties located at 949 College Street, 2 East Merrill Road, 4 East Merrill Road, 6 East Merrill Road, 8 East Merrill Road, 10 East Merrill Road, and portions of 1 East Merrill Road, 3 East Merrill Road and 5 East Merrill Road. The properties proposed to be rezoned are shown as hatched on the map below and were created in 1988 with the Latulippe Subdivision revision 2.



The proposed zone change for a portion of the Latulippe Subdivision is shown as hatched.

The applicant, David Langelier, submitted this zone change request, in part, to modify the front and side building setback requirements for the construction of a residence and accessory structures at 10 East Merrill Road. The split zoning of the Latulippe Subdivision directly impacts 3 other properties, 1, 3 and 5 East Merrill Road.

BACKGROUND AND HISTORY

The applicant has provided Exhibit C in the application that provides a history of how the split zoning of Rural Agricultural (RA) and Low-Density Residential came about. This area of Lewiston had been zoned agricultural for many years. A zoning map from 1985 shows some changes to the area with Industrial (I) zoning to the southwest and a Residential (R8) zone to the south. In 1988, an area on the east side of College Street up to the intersection of Merrill Road was zoned to Low-Density Residential (LDR) zoning, and an area to the east was zoned to Office Service (OS). The next zoning map (1990) shows a new road, East Merrill Road, near the location of the Rural (R) and LDR zones. Finally, the last zoning map (1991) shows the lotting of the Latulippe Subdivision. Staff looked at the subdivision history in the area and found the original 1973 Latulippe Subdivision, a rural type of development, as amended in 1988 in a low-density residential development pattern. The Agricultural and Low-Density Residential zoning splits the development but not down the centerline of the new East Merrill Road.

ZONING MAP AMENDMENT APPLICATION

Mr. Langelier, the applicant, met with Staff to discuss his desire to rezone his property from Rural Agriculture (RA) to Low-Density Residential (LDR) in order to meet building setback for the construction of a garage and house at the end of a frontage right of way. In discussing his zone change request, it was felt a more appropriate approach would be to request a zone change for the entire Latulippe Subdivision to LDR by removing the split zoning.

The application submitted to the Planning Board includes a petition to amend the zoning map, an ordinance to change zoning boundaries, the reasons for the proposed amendment, a statement how the request complies with the Comprehensive Plan, and a map showing the proposed change to the zoning map.

STAFF REVIEW and COMMENTS

In its review, the Staff recognizes that the primary purpose of this zone change request is to reconcile a disparity of a low-density subdivision that is split zoned Rural Agriculture and Low Density Residential districts. The Comprehensive Plan on page 33, describes low-density type development as, "Further from downtown, neighborhoods take on a suburban pattern with cul-de-sacs and limited entry points. These low-density neighborhoods started developing in the 1950s, utilizing a suburban form that was supported by the City's zoning and land use codes." The Staff sees the split zoning of the Latulippe Subdivision as an unintended oversight.

STAFF RECOMMENDATION

Staff recommends the Planning Board send a favorable recommendation to the City Council for the proposed zoning map amendment to change the properties zoned Rural Agriculture (RA) in the Latulippe Subdivision to Low-Density Residential (LDR).

ACTION NECESSARY

Make a motion to send a favorable recommendation to the City Council for the zoning application to change properties zoned Rural Agriculture (RA) in the Latulippe Subdivision to Low-Density Residential (LDR) with the findings:

1. The application meets the requirements of Article XVII, Amendment and Other Legal Provision, Section 5 Amendments.
2. The purpose and intent of the 1988 amended Latulippe Subdivision was to create a low-density type development.

3. The rezoning of the portion of the Latulippe Subdivision currently zoned Rural Agriculture (RA) to Low-Density Residential will bring the development into conformance with the Comprehensive Plan's description of a low-density type development (pg. 33).
 4. The portion of the Latulippe Subdivision zoned Low-Density Residential in 1988, did not anticipate that the subsequent low-density development (Latulippe Subdivision rev. 2) would extend into land zoned Rural Agriculture and create split-zoned properties.
-

April 3, 2020

Lewiston Planning Board
City Council Chambers
27 Pine Street
Lewiston, ME 04240

Re: East Merrill Subdivision Rezoning Request

Dear Sir or Madam:

On behalf of my client, David Langelier, I submit the attached Petition to Amend the Zoning and Land Use Code for the City of Lewiston. This request asks this Board to rezone properties located in a single subdivision on East Merrill Road. The subdivision and the effected properties are depicted on maps enclosed herewith.

My client has the particular interest of modifying the setback requirements for his property located at 10 East Merrill Road, but this rezoning petition benefits more than his property alone. Several properties located in the subdivision, namely 1, 3, and 5 East Merrill, are “split zoned” i.e. the lots are divided by the Rural Agricultural (RA) and Low Density Residential (LDR) boundaries. In addition, lots across the street from one another, of the same type, purpose and use, are zoned differently.

These properties originally came into existence in 1973 as the “Latulippe Development” at that time consisted of large rural lots zoned as Agricultural, now referred to as Rural. In 1988 the City of Lewiston revised its zoning maps, and divided the area at issue between Agricultural and Low Density Agricultural, seemingly along the lot lines described in the 1973 Latulippe plan. Later in 1988, however, the Latulippe plan was amended to add a number of lots and a road. Unfortunately, this subdivision was now divided between Agricultural and Low Density Residential and some lots as described above were bisected by that existing 1988 zoning line. The zoning was never modified to recognize the subdivision amendment and the inconsistency was carried forward to the current 1991 zoning map depicting the land. This progression is detailed in the map series attached to the Petition as “Exhibit C”.

In order to correct the discrepancy created by the split and mixed zoning in the subdivision, we hereby request that all lots in the subdivision, as listed on the Petition attached hereto, are re-zoned as LDR. This will resolve the inconsistencies, and better serve the actual lot usage in the subdivision. Furthermore, this change in zoning is supported by and in conformity with the City of Lewiston’s Comprehensive Plan, as further detailed in the attached Petition.

Please do not hesitate to contact me with any questions or concerns you may have regarding the enclosed materials.

Sincerely,

Emma Burgess Roy, Esq.
ISAACSON & RAYMOND, P.A.

EBR
Enclosures

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

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 IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning Map

The City of Lewiston hereby ordains that the official Zoning Map of the City of Lewiston be amended by rezoning the properties located at 2 East Merrill Road (*See Androscoggin County Registry of Deeds at Book 3925, Page 169*), 949 College Street (*See Said Registry at Book 5260, Page 121*), 4 East Merrill Road (*See Said Registry at Book 7643, Page 4*), 6 East Merrill Road (*See Said Registry at Book 5118, Page 348*), 8 East Merrill Road (*See Said Registry at Book 8090, Page 56*), 10 East Merrill Road (*See Said Registry at Book 9672, Page 251*), and portions of 1 East Merrill Road (*See Said Registry at Book 7396, Page 246*), 3 East Merrill Road (*See Said Registry at Book 6600, Page 58*), and 5 East Merrill Road (*See Said Registry at Book 4016, Page 298*); as described in the Map attached hereto as Exhibit "A" and depicted on Land Use and Space and Bulk Chart attached hereto as Exhibit "B", from the Rural Agriculture (RA) to Low Density Residential (LDR).

REASONS FOR THE PROPOSED AMENDMENT

The reasons for the proposed amendment includes correcting the split zoning of the Latulippe Subdivision, which will permit lot owners to make reasonable modifications and additions to the structures on their land. Said purpose is in compliance with the City of Lewiston's Legacy Lewiston Comprehensive Plan (hereinafter the "Plan"), which states "[f]urther from downtown, neighborhoods take on suburban pattern with cul-de-sacs and limited points of entry. These low-density neighborhoods started developing in the 1950s, utilizing a suburban a form that was supported by the City's zoning and land use code." *See Legacy Lewiston Comprehensive Plan at Page 33.*

The proposed amendment would correct a split in zoning as to 1, 3, and 5 East Merrill Road. All three properties are currently both Low Density Residential and Rural Agricultural. This split in zoning creates uncertainty for the subject properties in complying with the zoning and land use code.

Rezoning the entire Latulippe Subdivision to Low-Density Residential (LDR) will align the neighborhood character with the appropriate zoning.

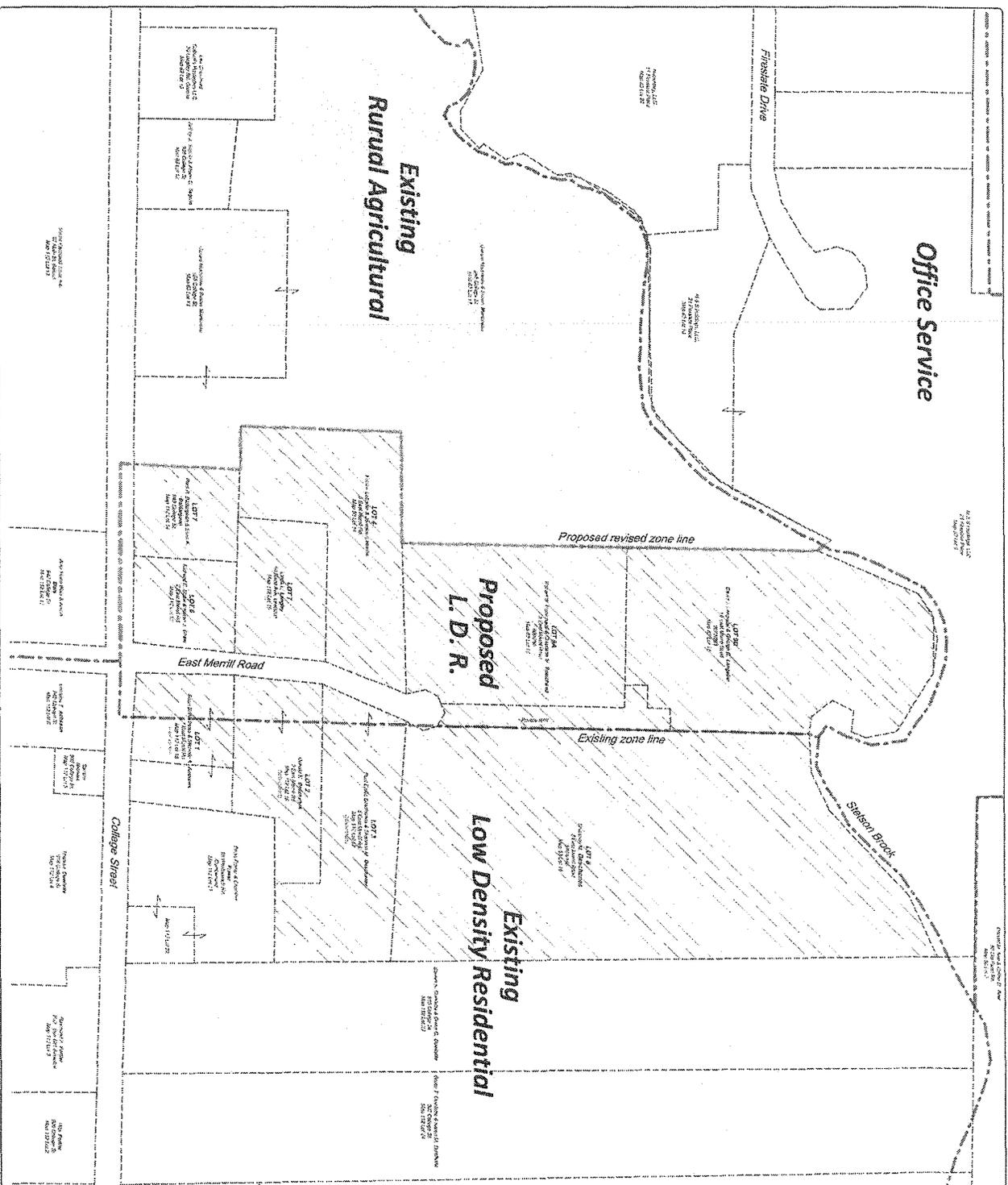
CONFORMANCE WITH THE COMPREHENSIVE PLAN

The City Council of the City of Lewiston hereby determines that the change to the Zoning Map is in conformance with the Comprehensive Plan for the following reasons:

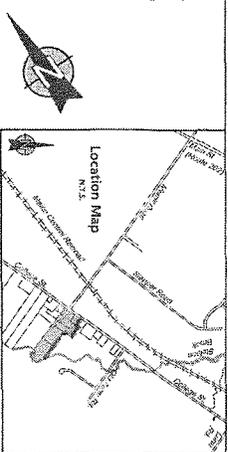
- 1) The properties are currently zoned partly Rural Agricultural (RA), while some lots are partially or entirely zoned as Low Density Residential LDR).
- 2) The Legacy Lewiston Comprehensive Plan describes Low-Density development as, “[f]urther from downtown, neighborhoods take on suburban pattern with cul-de-sacs and limited points of entry. These low-density neighborhoods started developing in the 1950s, utilizing a suburban a form that was supported by the City’s zoning and land use code.” See Legacy Lewiston Comprehensive Plan at Page 33.
- 3) The Latulippe Subdivision revision (1988) was planned and approved as a low density neighborhood not as an agricultural type subdivision.

We therefore believe the new zoning will meet the purposes of the LDR zone. Below is a table showing how the Rural Agricultural (AR) District compares to the Low Density Residential (LDR) District.

EXHIBIT A

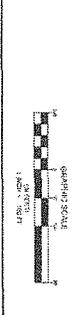


Zone Change Request



- General Notes:**
- This map is a preliminary drawing. It is subject to change without notice. The City Engineer's Office is not responsible for the accuracy of the information shown on this map.
 - Any changes to this map must be approved by the City Engineer's Office.
 - Any changes to this map must be approved by the City Council.
 - Any changes to this map must be approved by the City Planner.
 - Any changes to this map must be approved by the City Attorney.

- Legend:**
- Existing: Rural Agricultural, Low Density Residential
 - Proposed: L.D. R.



Petitioners' Plan of Zoning Map Amendment
of zone boundary between
Low-Density Residential & Rural Agricultural Zones
East Merrill Road
Lewiston, Maine
prepared for
City of Lewiston
27 Pine Street

REV.	DATE	DRAWN	CHECKED	NOTE
1	7/25/20	JCE	JCE	Issued to petitioners for review
2	7/27/20	JCE	JCE	Revised per City Planner Comments
3	7/29/20	JCE	JCE	Revised per City Planner Comments

SWI SURVEYWORKS, INC. This plan shall not be modified without the written consent of the City of Lewiston. SWI SURVEYWORKS, INC. is not responsible for the accuracy of the information shown on this map. SWI SURVEYWORKS, INC. is not responsible for the accuracy of the information shown on this map.

Exhibit B

Sec. 22. Land Use Requirements.

(a) Land Use Requirements - All buildings or structures hereafter erected, reconstructed, altered, enlarged, or relocated, and uses of premises shall be in conformity with the provisions of this Code. No building, structures, land or water area shall be used for any purpose or in any manner except as permitted within the District in which such building, structure, land and water area is located. The District designation for a particular site shall be determined and apply to all land shown on the "Official Zoning Map, City of Lewiston"

Key to Table:

(P) Allowed/Permitted (the use must be in conformance with all applicable sections of the Zoning and Land Use Code)

(C) Allowed/Permitted only after the issuance of a conditional use permit in accordance with Article X of this Code (the use must be in conformance with all applicable sections of the Zoning and Land Use Code)

Blank/Empty Column Use not allowed/permitted space and bulk requirement not applicable

Land Use Table: All Zoning Districts 02.20.2020	Rural Agricultural (RA)	Low Density Residential (LDR)
USES (15)(33)		
Accessory use or structure	P	P
Commercial Service		
Veterinary facilities excluding kennels and humane societies		
Veterinary facilities including kennels and humane societies	C	
Nursery School	C	C
Small day care facilities	C	P(22)
Day care centers	C	
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks		C(22)
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services		
Restaurants		
Drinking places		
Adult business establishments		
Hotels, motels, inns		
Movie theaters except drive-in theaters		

Places of indoor assembly, amusement or culture		
Art and crafts studios		
Personal Services		
Retail stores		
Neighborhood retail stores		
Lumber and building materials dealer		
Gasoline service stations		
Gasoline service stations which are a part of and subordinate to a retail use		
New and used car dealers		
Recreational vehicle, mobile home dealers		
Equipment dealers and equipment repair		
Automotive services including repair		
Registered dispensary(27)		
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.		
Tattoo E establishments		
Marijuana store(27)		
Industrial		
Light industrial uses		
Industrial uses		
Building and construction contractors		
Fuel oil dealers and related facilities		
Wholesale sales, warehousing and distribution facilities and self-storage facilities		
Self storage facilities		
Commercial solid waste disposal facilities		
Junkyards and auto graveyards		
Recycling and reprocessing facilities		
Private industrial/commercial developments(23)		
Marijuana cultivation, manufacturing, testing, nurseries, and registered dispensary (27)		
Transportation		
Airports or heliports	C	
Commercial parking facilities		
Transit and ground transportation facilities		
Transportation facilities		
Public and Utility		
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P
Utility structures	C	C
Municipal buildings and facilities	C	C

Preservation of historic areas; emergency and fire protection activities; bridges and public roadways		
Dams		
Land Use Table: All Zoning Districts 02.20.2020	Rural Agricultural (RA)	Low Density Residential (LDR)
Institutional		
Religious facilities	P	P
Cemeteries	P	P
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities		
Hospitals, medical clinics		
Museums, libraries, and non-profit art galleries and theaters		
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures		
Civic and social organizations		
Public community meeting and civic function buildings including auditoriums		
Residential		
Single-family detached dwellings on individual residential lots	P(8)	P
Mobile homes on individual residential lots	P(8)	
Two-family dwellings		
Multifamily dwellings in accordance with the standards of Article XIII		
Single-Family attached dwelling in accordance with the standards of Article XIII	C	
Mixed single-family residential developments in accordance with the standards of Article XIII	C	P
Mixed residential developments in accordance with the standards of Article XIII		P
Mixed use structures		
Lodging houses		
Home occupations	P	P
Bed and breakfast establishments as a home occupation	P	P

In-law apartments in accordance with the standards of Article XII	P	P
Single family cluster development	P	P
Family day care home	P	P
Shelters		
Dormitories		
Natural Resource		
Agriculture	R(8)	
Farm Stands	P	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P
Earth material removal	C	
Community gardens(20)	P	P
Water dependent uses, e.g. docks and marinas		
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet		
Recreation		
Campgrounds	C	
Public or private facilities for nonintensive outdoor recreation	C	C
Commercial outdoor recreation and drive-in theaters		
Fitness and recreational sports centers as listed under NAICS Code 713940		

Space and Bulk Table: All Zoning District 10.06.16

Dimensional Requirements (13)	Rural Agriculture I (RA)	Low Density Residential (LDR)
Minimum lot size with public sewer		
Single family detached (24)	60,000 sf	10,000 sf
Single family attached	20 acres	
Two-family dwellings		
Single family cluster development	20 acres	5 acres
Mixed single family residential development (14)	20 acres	5 acres
Mixed residential development (14)		5 acres
Multifamily dwellings		
Mixed use structures		
Agriculture	120,000 sf	
Religious facilities	120,000 sf	40,000 sf
Veterinary facilities	120,000 sf	
Other uses	40,000	20,000 sf
All permitted uses		

Minimum lot size with out public sewer (3)		
Single family detached, mobile homes on individual lots (24)	60,000 sf	40,000 sf
Single family attached	60,000 sf	
Two-family dwellings		
Single family cluster development (1)	20 acres	5 acres
Mixed single family residential development (14)	20 acres	5 acres
Mixed residential development (14)		5 acres
Multifamily dwellings		
Mixed use structures		
Agriculture	120,000 sf	
Religious facilities	120,000 sf	40,000 sf
Veterinary facilities	120,000 sf	
Other uses	4,000	40,000 sf
Minimum net lot area per d.u. with public sewer		
Single family detached	60,000 sf	
Single family attached	60,000 sf	
Two-family dwellings		
Mixed single family residential development (14)	60,000 sf	7,000 sf
Mixed residential development (14)		7,000 sf
Multifamily dwellings		
Mixed use structures		
All permitted residential uses		
Minimum net lot area per d.u. without public sewer		
Single family detached, mobile homes on individual lots	60,000 sf	
Single family attached	60,000 sf	
Two-family dwellings		
Mixed single family residential development (14)	60,000 sf	20,000 sf
Mixed residential development (14)		20,000 sf
Multifamily dwellings		
Mixed use structures		
All permitted residential uses		
Minimum frontage		
Single family detached, mobile homes -	200 ft	100 ft
Single family attached	200 ft	
Two-family dwellings		
Single family cluster development (with multiple vehicular accesses)	200 ft (50 feet)	200 ft (50 ft)
Mixed single family residential development (with multiple vehicular accesse	200 ft (50 feet)	200 ft (50 ft)
Mixed residential development (with multiple vehicular accesses) (14)		200 ft (50 ft)

Multifamily dwellings (with multiple vehicular accesses)		
Mixed use structures		
Agriculture	250 ft	
Religious facilities	250 ft	200 ft
Veterinary facilities		
Other uses	200	100 ft
All permitted uses		
Minimum front setback		
Single family detached, mobile homes on individual lots	25 ft	20 ft
Single family attached	50 ft	
Two-family dwellings		
Single family cluster development	50 ft	50 ft
Mixed single family residential development (14)	50 ft	50 ft
Mixed residential development (14)		50 ft

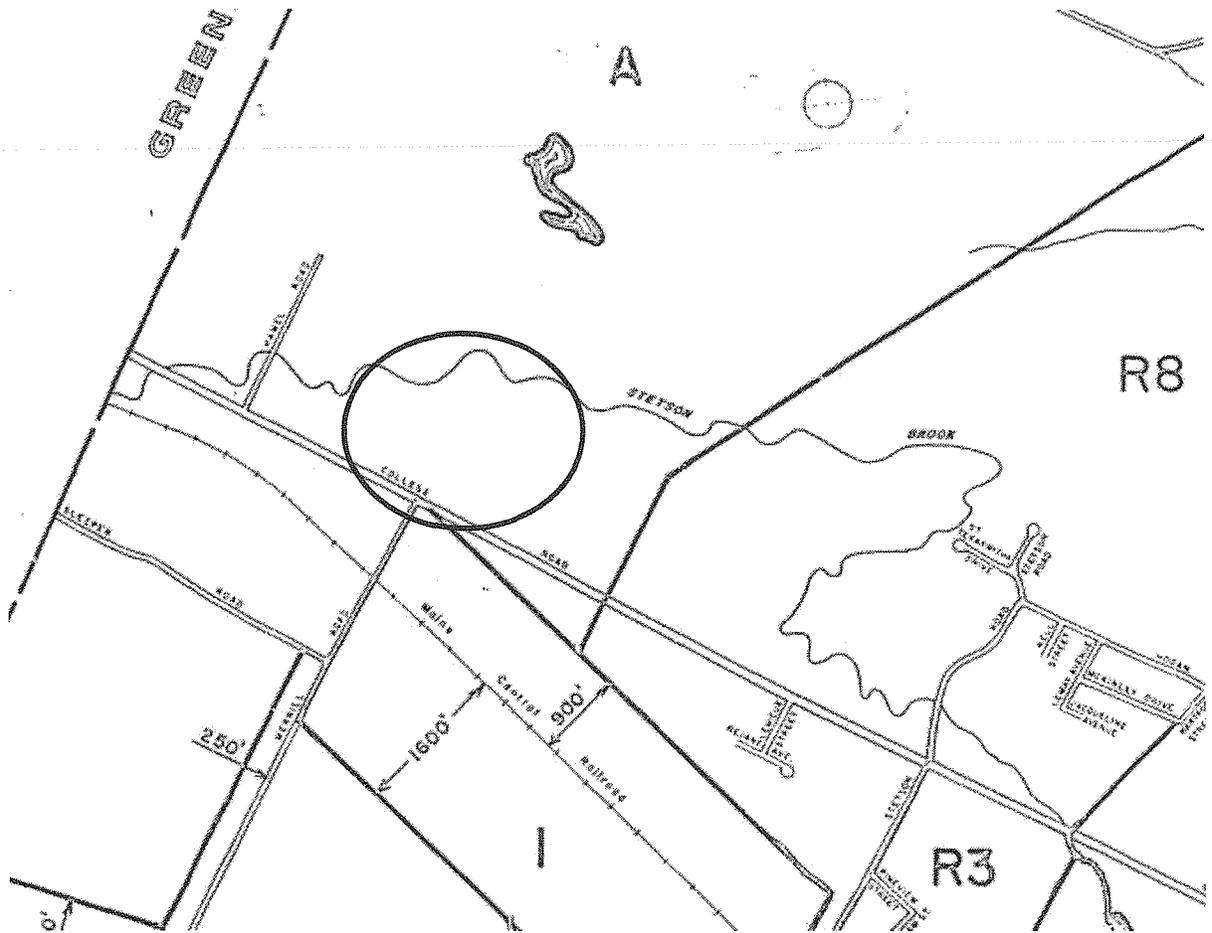
Space and Bulk Table: All Zoning District 10.06.16

Dimensional Requirements (13)	Rural Agricultural I (RA)	Low Density Residential (LDR)
Multifamily dwellings		
Mixed use structures		
Agriculture	50 ft	
Religious facilities	25 ft	50 ft
Veterinary facilities	25 ft	
Other uses	25 ft	20 ft
All permitted uses		
Minimum front yard		
Single family detached, mobile homes on individual lots	25 ft	20 ft
Single family attached	50 ft	
Two-family dwellings		
Single family cluster development	50 ft	50 ft
Mixed single family residential development (14)	50 ft	50 ft
Mixed residential development (14)		50 ft
Multifamily dwellings		
Mixed use structures	25 ft	
Religious facilities	25 ft	20 ft
Veterinary facilities	25 ft	
Other uses	25 ft	20 ft
All permitted uses		
Minimum side and rear setback		
Single family detached, mobile homes on individual lots	25 ft	10 ft
Single family attached		
Two-family dwellings		
Single family cluster development	50 ft	30 ft
Mixed single family residential development (14)	50 ft	30 ft
Mixed residential development (14)		30 ft

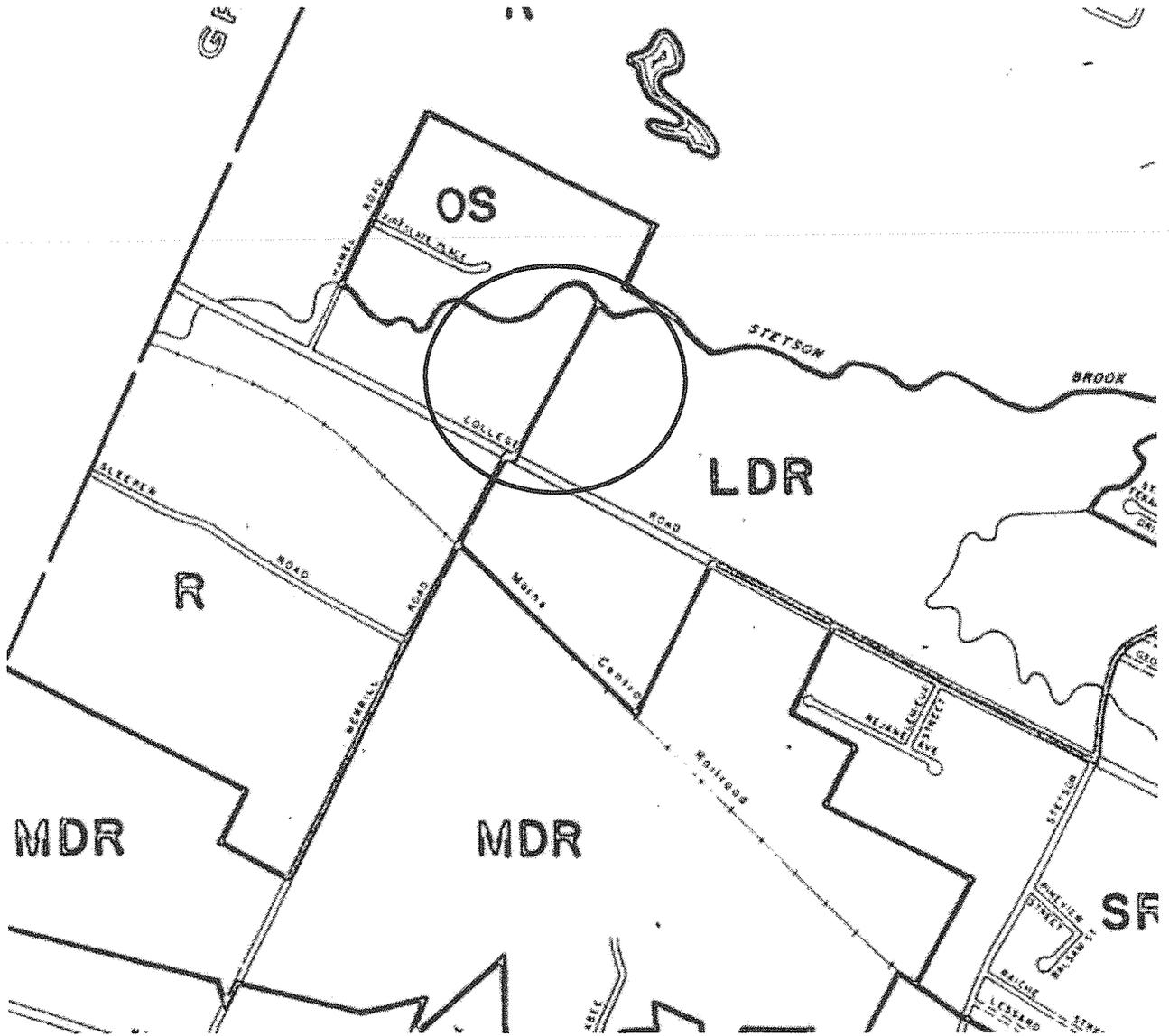
Multifamily dwellings		
Religious facilities	50 ft	50 ft
Mixed use structures		
Veterinary facilities	50 ft	
Farm structures for keeping of animals	100 ft	
Other uses	50 ft	25 ft
All permitted uses		
Minimum side and rear yard		
Single family detached, mobile homes on individual lots	10 ft	10 ft
Single family attached	50 ft	
Two-family dwellings		
Single family cluster development		
Mixed single family residential development (14)	50 ft	30 ft
Mixed residential development (14)	50 ft	30 ft
Multifamily dwellings		30 ft
Mixed use structures		
Religious facilities		25 ft
Veterinary facilities	25 ft	25 ft
Farm structures for keeping of animals	25 ft	
Other uses	25 ft	
All permitted uses	25 ft	25 ft
Maximum height		
Agriculture	75 ft	
	35 ft	35 ft
Other permitted uses		
Hospital, nursing homes and medical offices		
Ratios		
Maximum lot coverage	0.15	0.3
Maximum impervious coverage		

Exhibit C

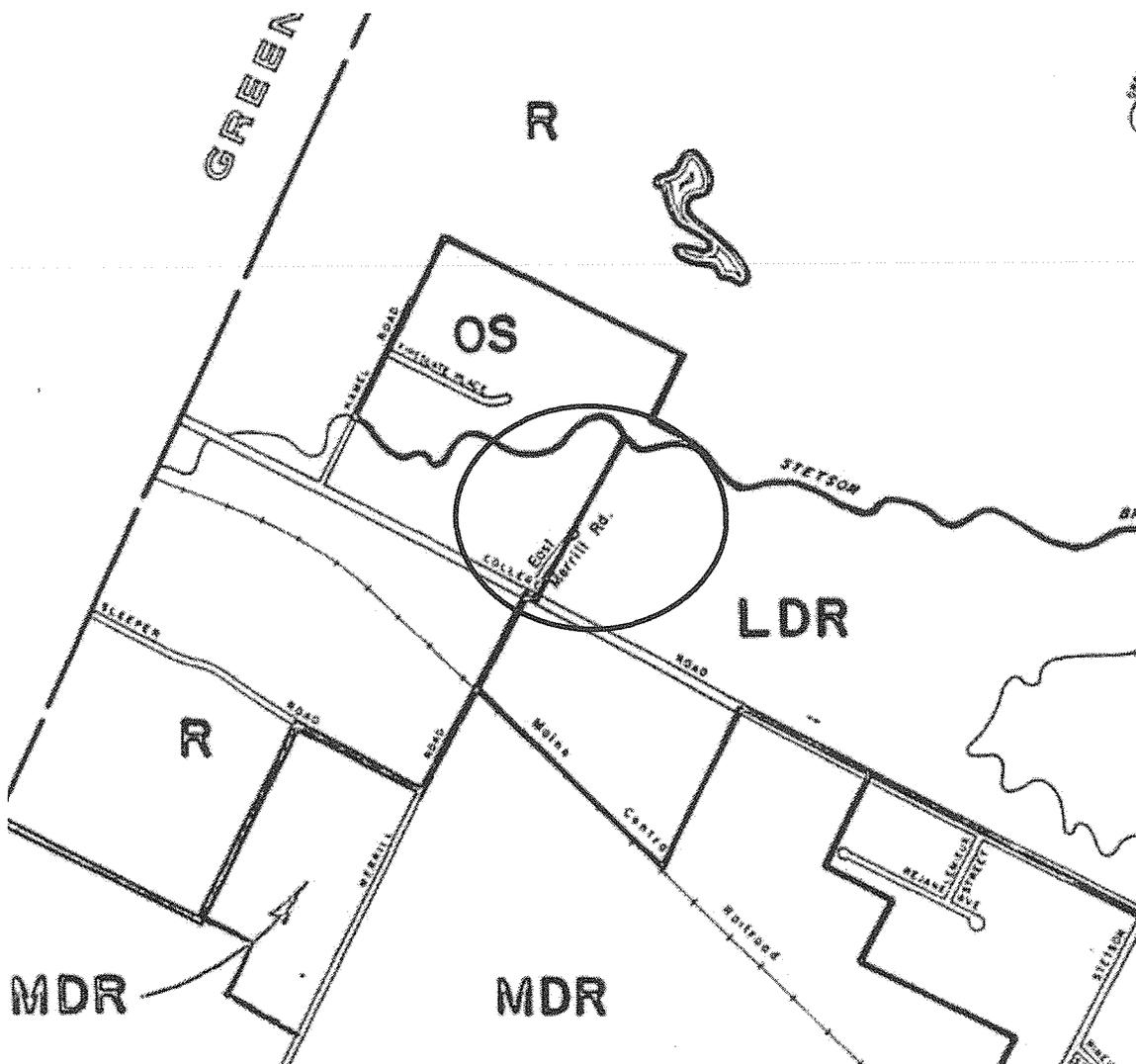
Zoning Mapping and Land Subdivisions in the East Merrill Road Area



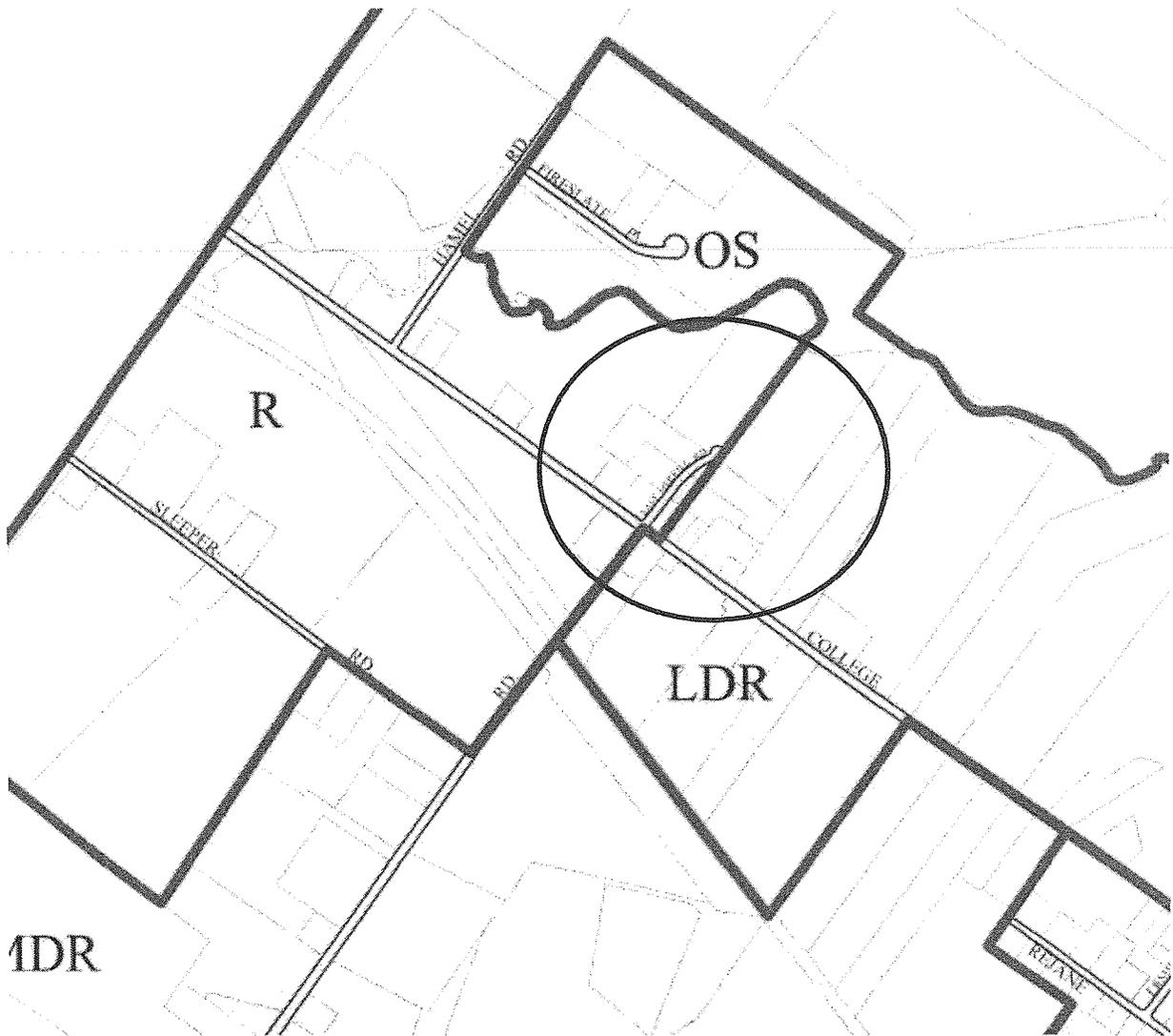
In 1985, the area under consideration for the zone change (red circle) was Zoned Ag (A)



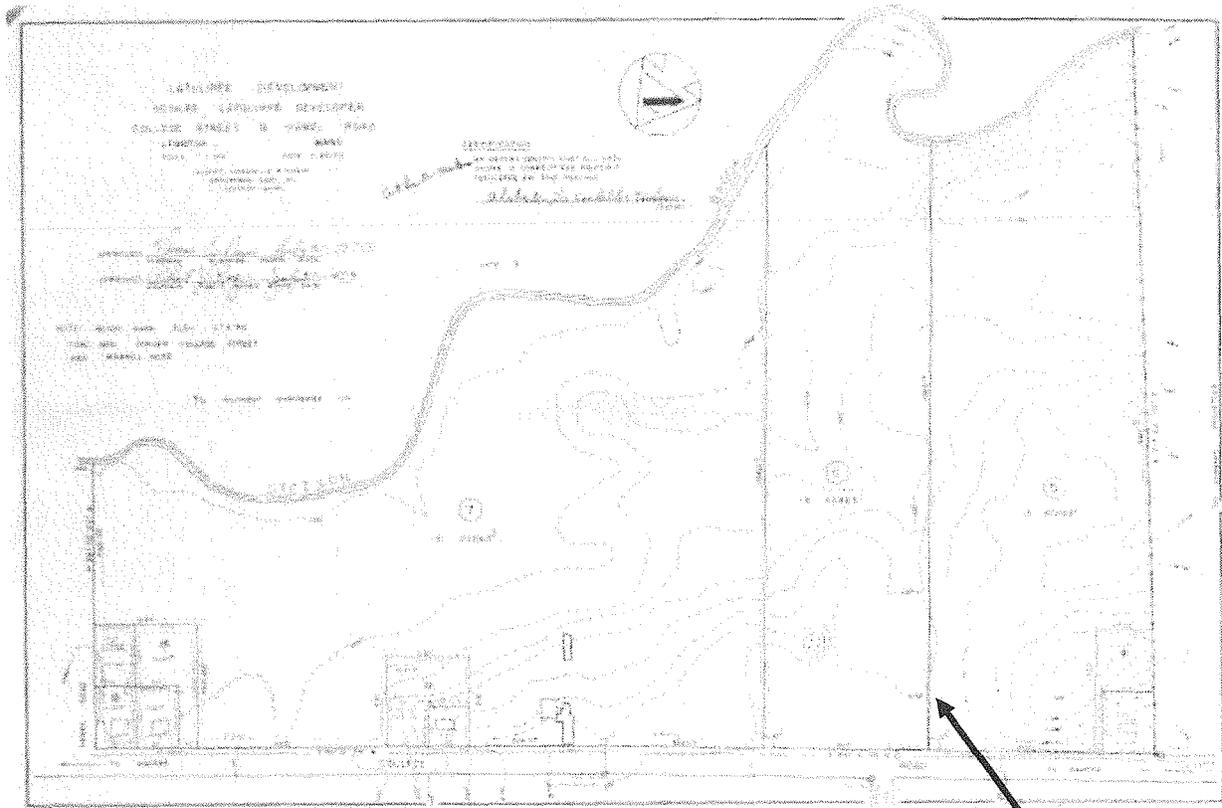
The January 1988 zoning map now shows the proposed zone change area (red circle) as both Low Density Residential (LDR) and Rural (R) zoning.



The 1990 zoning map now shows East Merrill Road with LDR on one side and R on the other. The October 1988 Latulippe Subdivision has not made it on this zoning map.



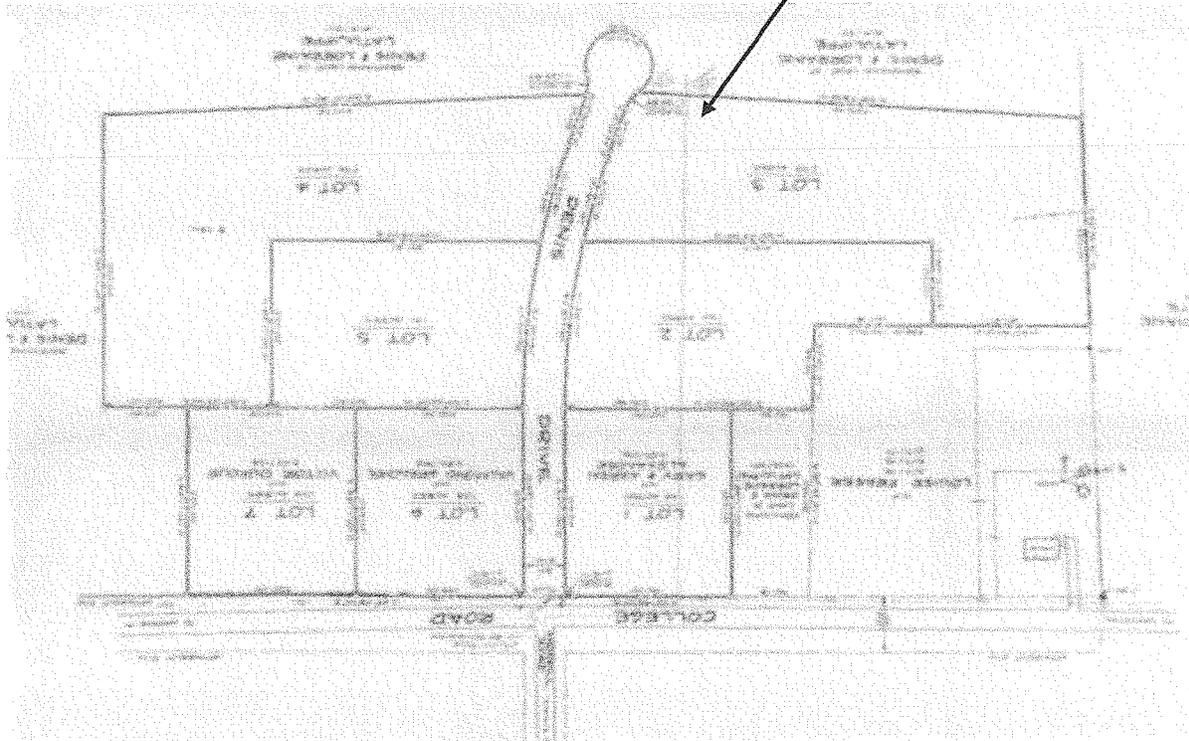
The 1991 zoning map now shows East Merrill Road with the lots created with the Latulippe Subdivision (Rev. 2).



The original Latulipe Development (1973) as a rural subdivision.

This lot line appears to be the basis for the zone line established in 1988

Zone line (red) for AG and LDR



The Latulippe Development revision 2 from October 1988 shows the subdivision as it (generally) appears today. Note the red line on the plan showing the split zone line between AG and LDR zones.

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

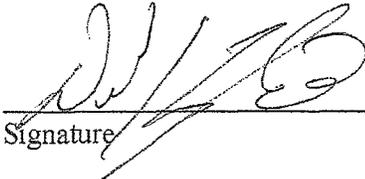
Pursuant to Appendix A, Article XVII, Section 5, Amendments, of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to amend Article III, Official Map for the zoning of properties located at 2 East Merrill Road, 949 College Street, 4 East Merrill Road, 6 East Merrill Road, 8 East Merrill Road, 10 East Merrill Road, and portions of 1 East Merrill, 3 East Merrill and 5 East Merrill Road from Rural Agricultural (RA) District to Low-Density Residential District (LDR), which would permit the Uses and Space and Bulk standards as per Article XI, Article XI, District Regulations as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>George C. Langelier</i>	GEORGE C. LANGELIER	56 LAURIER ST	3/6/2020
2	<i>Carol A. Langelier</i>	Carol A. Langelier	56 Laurier St.	3/6/2020
3	<i>Karen Shaw</i>	Karen Shaw	2 E. Merrill Rd	3/7/2020
4	<i>Claudette Robichaud</i>	^{ROBERT CHAUD} C. ROUSSETTE	8 E MERRILL	3/7/2020
5	<i>R. Robichaud</i>	R. Robichaud	8 E MERRILL	3-7-20
6	<i>Christine Robichaud</i>	Christine Robichaud	8 EAST MERRILL RD	3-7-2020
7	<i>Julie Nolan</i>	Julie Nolan	3 E Merrill Rd	3-7-2020
8	<i>Jennifer Cloben</i>	Jennifer Cloben	2161 Lisbon Lot 7	3-7-2020
9	<i>Donald R. Langelier</i>	Donald R. Langelier	3 E Merrill Rd	3-7-2020
10	<i>Richard F. Shaw</i>	Richard F. Shaw	2 - E. MERRILL RD	3-9-2020
11	<i>Paul Baillargeon</i>	PAUL BAILLARGEON	949 COLLEGE RD	3-9/20
12	<i>Sean Andrews</i>	Sean Andrews	1 E Merrill Rd,	3/9/2020
13	<i>Mickelle Andrews</i>	Mickelle Andrews	1 E Merrill Rd	3/9/2020
14	<i>Fabien LaBadie</i>	FABRIEN LABADIE	6 E Merrill Rd	3/15/2020
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CIRCULATOR'S VERIFICATION

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



 Signature

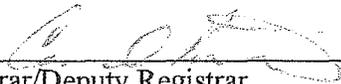
David Langelier
 Printed Name of Circulator

3/15/20
 Date

REGISTRAR'S CERTIFICATION

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

Total Valid: 13 Total Invalid: 1



 Signature of Registrar/Deputy Registrar

Date: 3-23-20

Economic and Community Development

Lincoln Jeffers
Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: **Summary Memo for CDBG Amendments to CDBG 2015-2019 Consolidated Plan, FFY2019 CDBG Action Plan, Amendments to Draft 2020-2024 Consolidated Plan, and Draft FFY2020 CDBG Action Plan**
Date: April 29, 2020

Lewiston has been a Community Development Block Grant (CDBG) Entitlement Community since 1974. As such, we receive an annual allocation of CDBG funds, based on a formula and the amount of CDBG funds appropriated by Congress. For Federal Fiscal Year (FFY) 2020, which coincides with City FY21, Lewiston will receive \$915,413.

On April 1st the City was notified it would receive an additional \$538,518 in CDBG funding to be used to address the impacts brought about by the COVID-19 Pandemic. In order to get the funding out into the community programs needed to be developed, and regulatory documents need to be amended to allow funding of the programs. Following is a summary of the CDBG program, and amendments needed to existing plans.

More detail will be provided with each requested City Council action.

Background

CDBG funds must primarily be spent to benefit low to moderate income residents. As with the municipal budget, the City Council decides how CDBG funds are invested each year. However, as a Federal grant, there are regulations and processes which must be abided by in coming to that decision.

The CDBG program is administered by the Department of Housing and Urban Development (HUD). The overarching goals of the program are to help provide the following, principally for persons of low and moderate income:

- Safe, decent and affordable housing
- A suitable living environment
- Expanded economic opportunities

The CDBG program has three National Objectives, and every funded activity must meet at least one of them. The National Objectives are:

- Benefit low/moderate income people
- Aid in the prevention or elimination of slums or blight
- Meet an Urgent Need that is serious, threatening, and that cannot be met with other sources of funds

HUD regulations require each Entitlement Community to have a Citizen Participation Plan that states how citizens, especially low to moderate income residents, and stakeholder groups that work with and serve that population, can be aware of and involved with determining how CDBG funds are invested in the community. Regulations require that every 5 years a Consolidated Plan be developed that articulates the goals, strategies and activities for how CDBG funds will be invested over the coming 5 years. Annually, a CDBG Budget and Action Plan is created that specifies how funding will be invested that year to help achieve the goals articulated in the Consolidated Plan. **CDBG funds cannot be invested in activities that are not in the Consolidated Plan.**

Recent Activity

A public hearing was held on December 17, 2019, following which the City Council adopted the 2020-2024 Consolidated Plan. The goals articulated in that Plan were the ones applicants seeking CDBG funding structured their requests around. The Citizen Advisory Committee followed the plan to determine who could best meet the goals of the plan as the committee developed its recommendations to the City Council for how to invest CDBG dollars beginning on July 1, 2020. (City Fiscal Year 2021, coincides with Federal Fiscal Year 2020) The recommended CDBG and HOME budgets and Action Plans were provided to the Council in their March 26, 2020 workshop packets. My memo summarizing those documents is attached.

After that workshop, the COVID-19 pandemic took hold and gained momentum across the United States. As part of the response to the national pandemic, Congress allocated additional CDBG resources to be used to mitigate the effects brought about by the pandemic. This action is known as the CARES Act. Of that additional CDBG funding, Lewiston was allocated an additional \$538,518. While the additional funds are needed and will be well spent, the process required to get the money on the streets quickly is convoluted, requiring amendments to plans that will expire soon as well as the future plans recently presented in workshop that are slated for Council adoption on May 5th.

The first CDBG related item on the May 5th City Council agenda will be an amendment to the Citizen Participation Plan. Those changes will expedite the additional approvals required to authorize and allocate the use of the CDBG CARES funding.

Requested Actions

In order to meet HUD's administrative requirements to release CARES Act funds, Lewiston's Citizen Participation Plan, 2015 -2019 Consolidated Plan, and 2019 Action Plan must be amended.

Substantial Amendment to 2015 -2019 Consolidated Plan

This plan did not authorize Microenterprise or Economic Development grants to be made, only loans. With the onset of COVID-19, department staff undertook a significant outreach effort to Lewiston businesses. The refrain most often heard was that with no revenues coming in and the future uncertain, local businesses were wary of taking on new debt. They needed grants. We are recommending amending the 2015 Consolidated Plan to allow grants to be made to microenterprises (1-5 employees), economic development grants to larger business, emergency income assistance to households having difficulty meeting rent, mortgage, or utility payments because of loss of income attributable to the pandemic, and funding to support the expansion of broadband service in the CDBG Target Area (Census Tracts 201 -204) and other low income neighborhoods. The amendment will also allow loan payments received under the City's Revolving Loan Program, which under HUD regulations can only be used to make loans, to be recorded as regular CDBG program income, which will allow the funds to be used to make grants as well as loans. Amendments to the Consolidated Plan will also allow funding to be allocated to these programs.

Substantial Amendment to Federal Fiscal Year 2019 (City FY20) Annual Action Plan

Under the CDBG program, Annual Action Plans articulate how CDBG funds will be spent and establish the budget for doing so in any given year. The City Council approves each Annual Action Plan. Recommendations on how CDBG funds should be invested each year are developed by Lewiston's CDBG Citizen Advisory Committee, which reviews and scores all CDBG funding requests and forwards a recommendation to the City Council on how the money should be spent. The decision on how the funds are spent rests with the City Council, but with that approval, the City is bound to abide by the approved Action Plan.

In order to get the CARES Act and other CDBG dollars for the new programs on the streets before July 1st, the same changes articulated for the Amendments to the 2015 - 2019 Consolidated Plan must be made for the City's FY20 Annual Action Plan.

Note that the draft City FY21 CDBG Action Plan was provided to the City Council at a workshop in March and was initially scheduled to be adopted in April. The CARES act funding delayed that action and it will also appear on tonight's agenda for Council approval.

CARES Act Funding Recommendations

As previously noted, Congress has allocated an additional \$538,518 in CDBG funds to be used to mitigate the impacts of COVID-19. In response to the concerns raised by businesses and residents city staff have developed an **Emergency Business Assistance** grant program that will provide up to \$15,000 to **Microenterprises** that employ 1-5 people, and up to \$25,000 for larger businesses (**Emergency Business Assistance**). The money can be used for operating expenses such as, but not limited to, rent, utilities, and payroll. For each \$25,000 or portion thereof granted, one job

must be created or retained that is occupied by someone making no more than 80% of the area median income or the business owner must be income qualified. Under the CARES Act funding, \$30,000 is allocated for the **Microenterprise Program**, and \$50,000 for the **Emergency Business Assistance Program**. Additional funding for these programs will be made available from existing CDBG resources through amendments to the 2015–2019 Consolidated Plan and FY 20 Action Plan.

An **Emergency Rehabilitation Expense** grant program has been created that will provide up to \$1,750 in funding to make physical changes to business locations in order to be able to safely operate during a widespread emergency situation.

An **Emergency Income Payment Assistance** grant program has been created that will provide up to \$1,000 in rental or mortgage payment assistance, for up to three months, to income qualified households that are unable to meet their obligations, as well as up to \$500 in utility payment assistance in total over the three month. For approved grants, payments will be made directly to landlords, lenders, or utility providers. The plan allocates \$247,830 of the CARES Act funding for this program.

General Assistance Caseworker

In order to meet the increased demand for General Assistance services, \$55,000 of the CARES Act funding will be used to fund the salary and benefits for one case worker position in the City's General Assistance office.

Additional Public Services Funding

It is anticipated that the pandemic will result in many public service agencies having an increased demands for their services. CDBG rules cap the amount of CDBG funds that can be used to support public service agencies at 15% of each year's allocation plus the prior year's program income. With the CARES Act funding, that cap has been lifted. Accordingly, staff recommends that \$105,688 of the CARES Act allocation be invested in agency services. The agencies to be funded have not yet been determined, but an open request for proposals will be issued to agencies that are working to mitigate the impacts of the pandemic.

Program Administration

Administration of the CARES Act funding, which will entail gathering loan and grant documentation to determine eligible businesses and households, reviewing additional public service agency funding requests, and reporting plans and progress to HUD, will use \$50,000 of the allocation, which is 9.2% of the additional funding. HUD regulations allow up to 20% for administrative costs, but staff thinks the money is better spent on the programs being created.

Public Notice

Public notice was printed in the Sun Journal on March 31, 2020 informing the public of the availability for review of the Draft FFY 2020 CDBG and HOME Annual Action Plan and Budgets, and the 2020–2024 Draft Analysis of Impediments to Fair Housing. Public

Notice was printed on April 24, 2020 listing (1) Substantial Amendment to 2015-2019 Consolidated Plan, (2) Substantial Amendment to FFY 2019 Annual Action Plan, (3)CDBG-CV:Cares Act Additional CDBG Entitlement Funds, (4) Public Hearing and Final Adoption with Changes to 2020-2024 Consolidated Plan with the 1st Annual Action Plan, and (5) Amendments to Citizen Participation Plan.

Both public notices provided the requisite public comment period. Both referenced the May 5th City Council meeting as the date of the public hearing for the items noticed.

More detail will be provided in the documentation associated with each agenda item.

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT: Resolve, Amending the City of Lewiston Annual Action Plan and Proposed Budget for the Community Development Block Grant Program for the Period of July 1, 2019 to June 30, 2020.

INFORMATION:

The City of Lewiston is receiving \$513,518 dollars in additional Community Development Block Grant Funds as a result of the federal CARES act designed to address the economic and social consequences of the current COVID 19 pandemic. In order to spend these funds quickly, they must be included in our Annual Action Plan and CDBG for the current year. The attached resolve would amend this Action Plan and Budget.

Prior to allocating any CDBG funds, the city must follow the requirements of a locally adopted Citizen Participation Plan. Unfortunately, our plan did not contemplate the need to act as rapidly as current circumstances require, and amendments are necessary to allow us to quickly allocate and use these funds.

The attached Resolve will adopt an amended Community Development Block Grant Citizen Participation Plan. Please see the attached memo from Economic and Community Development Director Linc Jeffers that outlines the specific changes that are recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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To (1) hold a Public Hearing on and then (2) to approve the Resolve, Amending the Community Development Block Grant Program's Citizen Participation Plan.



COUNCIL RESOLVE

Resolve, Amending the Community Development Block Grant Program's Citizen Participation Plan.

Whereas, the federal Community Development Block Grant Program requires municipalities receiving such funds to adopt and adhere to a Citizen Participation Plan that meets the requirements of the U.S. Department of Housing and Community Development; and

Whereas, the City's current plan works well under normal circumstances where program and funding decisions are not required to be made quickly; and

Whereas, in response to the current COVID 19 emergency, the City is receiving additional CDBG funds designed to be used to mitigate the negative effects of this emergency on our low and moderate income residents; and

Whereas, both the federal government and the City's elected officials recognize the importance of allocating and using these funds to address immediate needs; and

Whereas, in order to do so, certain changes are necessary in the City's currently adopted Citizen Participation Plan; and

Whereas, the proposed changes will also allow the City to continue to meet the applicable grant requirements;

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

The attached, amended City of Lewiston Community Development Block Grant Program's Citizen Participation Plan is hereby adopted.

Economic and Community Development

Lincoln Jeffers
Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: CDBG Citizen Participation Plan Amendments
Date: April 24, 2020

Background

Lewiston is a Community Development Block Grant (CDBG) Entitlement Community. The City receives a Federal grant each year which is to be spent to benefit low to moderate income residents. As with the municipal budget, the City Council decides how CDBG funds are invested each year. However, as a Federal grant, there are regulations and processes in determining how those funds are to be spent.

Included in those regulations is the requirement that the City have a Citizen Participation Plan (CPP) that specifies how Lewiston residents will be engaged in helping to determine how CDBG funds are invested, making residents aware of plans and budgets as they are developed, and providing opportunities to provide public comment on publicly accessible draft documents and at public hearings.

As regulations change or circumstances dictate, the CPP is occasionally amended. The last time the CPP was amended was at the January 8, 2019 City Council meeting.

Recent Events

In response to the COVID-19 Pandemic Congress approved a second round of CDBG funding for Lewiston for Federal Fiscal Year 2020 (City FY21) in the amount of \$538,518, known as CDBG-CV CARES Act allocation. Those funds are to be spent mitigating the impacts the pandemic has brought upon Lewiston businesses and low/moderate income residents. ECD and code enforcement staff reached out to many local businesses to determine their needs. The mayor and councilors have also had many conversations with constituents and businesses and a recurring theme that was heard was the need for grants, rather than loans.

The City has existing loan programs capitalized from a Revolving Loan Fund (RLF) that was initially capitalized by CDBG funds many years ago. Payments on RLF loans are recorded as program income under the RLF program. HUD regulations do not allow grants to be made from the RLF. In order to utilize RLF funds as grants to meet current pressing needs, several CDBG plans need to be amended including the 2014-2019 Consolidated Plan, 2020-2024 Consolidated Plan, and FFY19 Action Plan. The proposed FFY20 Action Plan presented to the

council at the March 26, 2020 council workshop, as well as a spending plan for the CARES Act funding, also require action.

Consolidated Plans are 5 year strategic plans, developed with residents, the Citizen Advisory Committee, and other stakeholder in a robust public process that articulates the goals and strategies as to how CDBG funds will be invested during the term of the plan. Action Plans are the budgets created each year that are guided and informed by the active Consolidated Plan and that specify how CDBG funds will be invested. The City Council approves Consolidated Plans and Annual Action Plans after a public comment period and public hearing.

Requested Action

While Congress and recipients want to get the CARES Act funding out into communities as quickly as possible, communities still need to abide by HUD regulations articulated in the CPP. Attached is redlined version of the CPP, showing the changes recommended to the plan that will expedite our ability to adjust more expeditiously to changing circumstances, both now and in the future.

To summarize the changes of substance:

1. Loan repayments from the RLF program can either be recorded as program income under the RLF, where it can only be used for loans, or as regular program income, where it can be used for grants or other purposes approved by the City Council.
2. The CPP notes that the CDBG Target Area of Census Tracts 201 -204 is also a HUD recognized Neighborhood Revitalization Strategy Area, which allows greater flexibility in the utilization of CDBG funds. The NRSA designation came as a benefit from the Choice Neighborhood grant.
3. The CPP will no longer require public notices to be published in a general distribution newspaper, but rather that notice can be accomplished through the city's web site and social media.
4. Notes alternative ways to provide public comment at Public Hearings when the City Council is unable to physically meet, such as at current.
5. The name of the evaluation of the status of Fair Housing activity has been changed.
6. Clarifies that public hearings may be conducted independently of City Council meetings.
7. Section, **IX Emergency Provisions**, has been added that will allow the City to more quickly respond to amend plans in the future if emergency funds are again allocated to the City. Rather than follow our CPP, we can utilize the public notification/comment period specified by HUD, will allow the allocation of additional funds to proceed without getting a recommendation from the Citizens Advisory Committee, and, if the Council cedes decision making authority to the City Administrator during the crisis, the City Administrator will have the authority to approve plan amendments.

Staff recommends approval of the proposed changes to the Citizen Participation Plan.

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I. Introduction

In 1974, the City of Lewiston was designated as a Community Development Block Grant Entitlement City. These funds are used to fund administration and planning, social services, housing, commercial, and economic development programs, public facilities and infrastructure improvements, and acquisition, demolition and clearance of unsafe structures. Every year the City receives a formula-based allocation of entitlement funding. Using CDBG funds to initially capitalize, and periodically recapitalize the programs; the City created housing and commercial revolving loan funds (RLF) used to rehabilitate properties, make general improvements and bring the properties to code. Projects are funded through low interest loans and grants with repaid money going back to the RLF. ~~to facilitate more loans, or recorded as Program Income to facilitate more grants.~~ In 2001, Auburn and Lewiston formed a consortium with Auburn as the lead entity to receive HOME Investment Partnerships Program funds. This is an annual allocation from HUD and the funds are used for Homebuyer Assistance, Homeowner Rehabilitation, Rental Development and Tenant Based Rental Assistance Programs for homeless persons seeking permanent housing.

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The Department of Housing and Urban Development (HUD) requires recipients of these grant funds to prepare a formal plan as a condition of receiving those funds known as the Citizen Participation Plan. The following is the City of Lewiston's Citizen Participation Plan written in accordance with Section 104(a) (3) of the Housing and Community Development Act of 1974, (42 U.S.C.5304(A) (3), and 24 CFR Part 91 Sections 91.105 and 91.200.

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II. Citizens Advisory Committee (CAC)

This Citizen Participation Plan (CPP) encourages participation from Lewiston residents in developing the 5-Year Consolidated Plan, any substantial amendments to the Consolidated Plan, and developing the annual action plans and performance reports. The City especially encourages participation by residents of Census Tracts 201, 202, 203 and 204, which constitute the CDBG target area and which is defined as a low- and moderate-income area. Of those Census Tracts, 201, 203, and 204 constitute the Neighborhood Strategy Revitalization Area (NRSA). The City also encourages participation by low- and moderate-income persons, the homeless, persons with disabilities, immigrants and refugees, public housing authorities, and organizations representing these groups.

To ensure that all constituents are provided with an opportunity to be included in this important planning and implementation process, the City appoints and convenes a Citizens Advisory Committee (CAC) to assist in developing the specific goals and objectives of the Consolidated Plan, the Assessment of Fair Housing, and the annual Action Plan. Committee members are appointed by the Mayor to two-year terms coinciding with the calendar year. This seven-person Committee includes one Lewiston City Councilor, one representative from the homeless community, a person representing the immigrant/refugee community, at least two citizens from

the City's low/moderate income population in Census Tracts 201-204, and the remaining two persons from the community at large. The Committee is staffed by the Economic and Community Development Department.

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Each year in December, to begin the CDBG budget process, a Request for Application for Funding will be published on the City of Lewiston's social media accounts, placed on the City's website, and emailed to applicants who have applied for funding in the past. Qualified agencies and organizations are encouraged to apply for funding. City staff offer multiple trainings, one of which is mandatory, for all applicants. The City also provides additional technical assistance to groups representing persons who are of low-moderate income, as well as assistance to ethnic based community organizations that request help in developing proposals for funding assistance under any programs covered by the annual planning process of HUD funded programs. Lewiston's 5-Year Consolidated Plan and Annual Action plans are available on the City's webpage, on the Economic and Community Development page under plans and reports. The Consolidated Plan is a 5-year strategic plan that outlines the goals to be achieved over the course of 5 years as determined by a broad coalition of citizens and stakeholders. The Annual Action Plans detail the local government's funding decisions to achieve the goals articulated in the Consolidated Plan. The CAC will read, review, interview, and score applications for funding from qualified public services applicants, as well as provide citizen input into the activities that will be funded by these sources during the budget process to ensure that the goals and objectives of the 5-year Consolidated Plan are reflected in the annual Action Plan and reviewed and evaluated for progress and appropriateness in the City's Consolidated Annual Performance and Evaluation Report (CAPER). During the first meeting of each budget year, the CAC will appoint a Chairperson among its members to serve as a facilitator of the meetings, spokesperson for the committee, and a liaison to the Economic and Community Development Department staff. The CAC will meet during the budget process to review and evaluate requests for funding. The CAC has an important role in this process which includes review of applications for appropriateness and compliance with the goals and objectives of the current Consolidated Plan, and to make a funding recommendation to the Lewiston's City Council for projects to be included in the next annual Action Plan.

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The meetings of the CDBG Citizens Advisory Committee are open to the public with meeting times and dates published in advance on the City of Lewiston's social media accounts and on the City's website. Each year, the Lewiston City Council will take action on the acceptance of the Action Plan according to the City's Budget timeline, with final approval by City Council no later than May 7th. Final approval will take place at a City Council Meeting following a public hearing. Notice of the City Council meeting and public hearing on the Consolidated Plan and Action Plan will be provided on the City's website and social media accounts at least 10 days before the hearing is to take place. Citizens will have a full 30 calendar days from the date of publication to express concerns and comments by email on the City's website by using the following link <http://www.ci.lewiston.me.us/Directory.aspx?DID=7>, or by regular mail addressed to the Director, Economic and Community Development Department, 27 Pine Street, Lewiston, ME 04240, or by sending comments to ECDevelopment@lewistonmaine.gov. In the case of virtual meetings, the

public may comment during the public hearing with a designated email address or phone number published in the notice.

III. Consolidated Plan and Assessment of Fair Housing Development:

The Consolidated Plan is a planning document that outlines and guides CDBG and HOME program expenditures for a five-year period. At the same time, the City will prepare an Assessment of Fair Housing, a process to analyze the local fair housing landscape and set fair housing priorities and goals which will be identified in the Consolidated Plan (the "Plans"). It is designed to be a collaborative process through which Lewiston establishes a unified vision for community development actions and strategies. It creates the opportunity for strategic planning and citizen participation to take place in a comprehensive context. The Consolidated Plan identifies specific courses of actions for the CDBG funding the City receives. It builds on local assets and responds to the needs of the community and sets forth program goals, specific objectives, annual goals, and benchmarks for measuring progress. As of publication of the Citizen Participation Plan, the Assessment of Fair Housing Development (AFH) has been postponed requiring municipalities instead to complete an Analysis of Impediments to Fair Housing (AI). The City will complete the appropriate plan as required by HUD.

During the preparation of the Plans, the City shall encourage the participation of local and regional institutions, Continuums of Care, and other organizations (including businesses, developers, nonprofit organizations, philanthropic organizations, and community-based and faith-based organizations) in the process of developing and implementing the Plans. The City shall encourage the participation of public and private organizations and shall consult with broadband internet service providers, organizations engaged in narrowing the digital divide, agencies whose primary responsibilities include the management of flood prone areas, public land or water resources, and emergency management agencies in the process of developing the Plans.

Working in conjunction with the Lewiston Housing Authority, the City shall encourage the participation of residents of public and assisted housing developments (PHA) (including any resident advisory boards, resident councils, and resident management corporations) in the process of developing and implementing the AFH/AI and the consolidated plan, along with other low-income residents of targeted revitalization areas in which the developments are located. The City shall make an effort to provide information to the PHA about the Plans activities related to its developments and surrounding communities so that the PHA can make this information available at the annual public hearing(s) required for the PHA Plan.

The City will explore alternative public involvement techniques and quantitative ways to measure efforts that encourage citizen participation in a shared vision for change in communities and neighborhoods, and the review of program performance; e.g. use of focus groups and the Internet.

During development of the Plans, the City of Lewiston shall:

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A.) Provide to its citizens, public agencies and other interested parties data from HUD as well as any other supplemental information gathered from local sources; state the amount of assistance that the City expects to receive from CDBG and HOME funded programs; describe the range of activities that may be undertaken using these funds; include the estimated amount that will benefit persons of low and moderate income; and identify what steps will be taken to minimize displacement of persons and how displaced persons are to be assisted. This information will be made available during the public planning meetings.

B.) Publish the proposed Plans in a manner that affords citizens, public agencies, and other interested parties a reasonable opportunity to examine its contents and to submit comments. This information will be summarized and published on the City's social media accounts and website. The summary will include a description of the contents and purposes of the proposed Plans and will be available for review at the following link <http://www.lewistonmaine.gov/131/Plans-Resources> on the Economic and Community Development page of the City's website. Email notification of the same will be provided to agencies that have historically applied for CDBG funds and other partner agencies and stakeholders, such as the Lewiston Housing Authority, Healthy Neighborhood Planning Council and Pine Tree Legal. Citizens and interested parties can utilize the "Notify Me" tool that allows citizens to follow the process by providing their email address. An email will be sent as the planning process commences.

C.) Copies will be available at the City of Lewiston's Economic and Community Development Department offices and at Lewiston Public Library, Lewiston, ME.

D.) Hold two public hearings on housing and community development needs before the proposed Plans are published for comment. The public hearings may coincide with or be independent of Lewiston City Council meetings.

1.) The City shall give at least 10 days' notice of the hearing to citizens by distributing to email lists listed in section III(B) of this document and posting on the City's website and social media accounts. The posting will include information on the purpose, time and location of the hearing. The City shall hold the public hearing in City Hall, 27 Pine Street, Lewiston Maine at a time and date intended to maximize the participation of interested citizens.

2.) Where a significant number of non-English speaking residents can be reasonably expected to participate, the City will provide a qualified interpreter at the public hearing to accommodate the needs of these residents.

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E.) The City will accept public comments on the proposed Consolidated Plan and AFH/AI for a period of not less than thirty (30) calendar days from the date the public notice is published on the City's social media accounts and on the Economic and Community Development Page of the website under "Plans and Resources". <http://www.lewistonmaine.gov/131/Plans-Resources>.

F.) In developing the final Plans, the feedback received verbally, in writing, or online during the comment period and at the public hearings will be considered. A summary of the feedback received, including comments received but not incorporated into the final Plans will be included as an attachment to the document. For comments not incorporated, the attachment will explain the reasoning for the exclusion.

IV. Amendments to the Consolidated Plan and the Assessment of Fair Housing/Analysis of Impediments to Fair Housing

There are two types of amendments to the Plans; substantial and minor amendments. The following subsections identify what constitutes an amendment and the threshold for determining the type of amendment, including the public notification and approval process.

A. Substantial Amendment;

Any one of the actions listed below in Section IV (A) (a-c) shall constitute a substantial amendment to the Plans;

- a) A change in the City's allocation priorities of 10% or more for distribution of funds covered by the Plans;
- b) Implementation of an activity using funds from any program covered by the Plans (including program income) not previously described in the action plan; or,
- c) A change in the purpose, scope, location, or beneficiaries of a program funded by HUD programs as listed in the Action Plan section of the adopted Plans.

Public Hearing Requirements for a Substantial Amendment;

To provide citizens with an opportunity to comment on a substantial amendment, public notice will be published at least 10 days before a public hearing. The public notice will include a summary of the proposed change and its potential effect on households of low and moderate income persons. The summary must be published on the City's social media accounts and website, distributed to aforementioned email lists, and placed on the Economic and Community Development Department Page on the City's website under Plans and Resources. Included in the notice will be the opportunity for interested citizens to comment for a period of not less than thirty (30) days prior to implementing the amendment. The published summary must state that written comments must be submitted to the City by a specified date.

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Any comments or views of citizens and units of general local government received online, in writing or orally during the comment period or at public hearings must be considered in adopting a substantial amendment to the Plans. The City shall attach a summary of these comments or views to the substantial amendment as finally approved.

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B. Minor Amendment:

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A minor amendment is defined as a change that does not exceed 10% of the amount of the CDBG Program budget (which includes the annual allocation, reprogrammed funds, and program income) for the year in which the amendment is being considered. Funds will be reallocated upon execution of a budget transfer sheet signed by the City Administrator and Finance Director.

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Public Hearing Requirements for a Minor Amendment:

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There are no public hearing requirements for a minor amendment.

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V. Performance Reports Associated With the Consolidated Plan

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When preparing performance reports associated with the Consolidated Plan, the City shall:

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A.) Provide citizens with reasonable notice and an opportunity to comment on performance reports associated with the Consolidated Plan. Reasonable notice must include a summary of what has been accomplished and its effect on households of low and moderate income. The summary must be published on the City's Website and social media accounts and must also notify interested citizens and groups that they have the opportunity to provide comments for a period of not less than fifteen (15) days before the performance report is submitted to HUD. The published summary must indicate that written comments must be submitted by a specified date to the City.

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B.) Consider any comments or views of citizens received online, in writing or orally in preparing the performance report. The City shall attach a summary of these comments or views to the performance report.

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VI. Availability of the Plans and Related Documents to the Public

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A.) The City shall make available to the public free of charge and upon request the final Consolidated Plan as adopted, any substantial amendments, and any associated performance reports. Upon request, the City will make these documents available in a form accessible to persons with disabilities.

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verbally to the Director, Economic and Community
Development Department. ... [115]

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B.) Comments may be made online at www.ci.lewiston.me.us/Directory.aspx?DID=7 , or in writing, or verbally to the Director, Economic and Community Development Department, City Hall, 27 Pine Street, Lewiston, Maine 04240. All comments submitted to the Economic and Community Development Department will be filed. Prior to filing, appropriate responses will be submitted by the Economic and Community Development Director or his/her designee.

VII. Complaints Associated with the Consolidated Plan and Related Documents

The City will provide a substantive written response to every written citizen complaint related to the Consolidated Plan, substantive amendments, and associated performance reports within fifteen (15) working days.

VIII. Accessibility to Those with Disabilities or Language Barriers

The City of Lewiston does not discriminate against or exclude individuals from its municipal facilities and/or in the delivery of its programs, activities, and services based on an individual's ethnic origin, color, religion, gender, sexual orientation, age, physical or mental disability, veteran status, or inability to speak English.

With proper notice, the City will endeavor to accommodate the needs of those unable to participate in the process as designed. This policy includes but is not limited to providing translation services.

For more information about this policy, contact or call Compliance Officer at 207-513-3000 (TTY) 207-513-3007.

IX. Emergency Provisions

A. In the event that HUD releases additional guidance to assist with disaster recovery or other crisis, the provisions set forth in those documents will supersede the provisions set forth in this document including, but not limited to, public hearing notifications, publication guidelines, and public comment periods.

B. In the event Congress releases additional funds over and above the expected yearly allotment, public services applications for these funds will not be subject to review by the Citizens Advisory Committee and will instead be subject to a review by the Economic and Community Development department and approval by the City Administrator. All notifications required with these funds will be done in accordance with section IX (A).

C. In emergency circumstances where the City Council cedes decision making authority to the City Administrator, the Administrator may provide approval of all amendments to all Plans, including but not limited to Annual Action Plans, Citizen Participation Plan, and Consolidated Plans.

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X. Effective Date:

This amendment to the February 6, 2012 Citizen Participation Plan was approved by the Lewiston City Council on November 21, 2017. It will be in effect until amended. This amends the November 21, 2017 Citizen Participation Plan and will remain in effect until amended. This amendment, as of May 5th, 2020, amends the January 8, 2019 plan and will remain in effect until amended.

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LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT: **Resolve**, Amending the 2015-2019 CDBG Consolidated Plan and FFY 19 Action Plan

INFORMATION: With the onset of the pandemic and the allocation to Lewiston of \$538,518 in CDBG Cares Act funding, city staff has been immersed in community discussions to discover what needs are not being met. A recurring theme has been that businesses needed grants, not loans. There was concern that residents at 80% or less of the area median income based on household size might not be able to meet their rent, mortgage or utility obligations. People in low income neighborhoods were struggling to have adequate internet connectivity to participate as education moved to on-line only.

ECD staff are working to develop programs to meet these needs, but the 2015-2019 Consolidated Plan did not allow CDBG funding to be invested in a microenterprise grant program, economic development grant program, emergency assistance to low/moderate income residents unable to meet rent, mortgage or utility payments, improved access to broadband service in the CDBG Target Area, or to record Revolving Loan Fund (RLF) Program repayments as regular CDBG program income. Recording the RLF repayments as regular program income allows the repayments to go back out as grants. RLF repayments will recapitalize a grant program until the City Council chooses to redirect the repayments back into the RLF program, or when all loans have been paid back. Currently the RLF generates approximately \$14,000 per month in program income.

The 2015 -2019 CDBG Consolidated Plan and the FFY2019 Action Plan are the ruling documents for how Lewiston CDBG Funds are spent until July 1, 2020. To get the CARES Act funding into the community before July 1st the changes outlined in the attached document need to be approved by the City Council.

Other changes to the FFY 2019 Action Plan include funding for a new position in General Assistance, and additional funding for public service agencies. The money allocated in the FFY

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

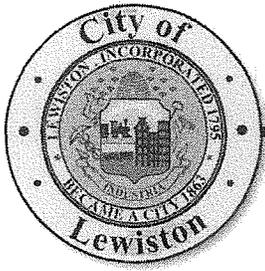
The City Administrator recommends approval of the requested action.

EA Blichman

REQUESTED ACTION:

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To hold a public hearing and approve the **Resolve**, Amending the 2015-2019 CDBG Consolidated Plan and FFY 19 Action Plan



CITY OF LEWISTON, MAINE

May 5, 2020

COUNCIL RESOLVE

Resolve, Amending the 2015-2019 CDBG Consolidated Plan and FY 19 Action Plan.

Whereas, in response to the COVID-19 emergency, Congress allocated an additional \$538,518 in CDBG funds to Lewiston, which is known as CARES Act funding;; and

Whereas, the CARES Act funding can only be used to mitigate issues within the community created by COVID-19 and that impact our low and moderate income residents; and

Whereas, in pursuit of mitigating those issues, the City has identified immediate needs and created programs to address those needs; and

Whereas, in order to utilize the CARES Act to fund those needs and programs, Lewiston's 2015-2019 CDBG Consolidated Plan and FFY 2019 Action Plan need to be amended in order to make these programs permitted uses under those plans; and

Whereas, both the federal government and the City's elected officials recognize the importance of allocating and using these funds to address immediate needs; and

Whereas, in order to do so, certain changes are necessary in the City's currently adopted 2015 -2019 CDBG Consolidated Plan and FFY 2019 Action Plan; and

Whereas, the proposed changes will also allow the City to continue to meet the applicable grant requirements;

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

The attached amended 2015-2019 CDBG Consolidated Plan and FY 19 Action Plan are hereby adopted.

City of Lewiston

Annual Action Plan and Proposed Budget for CDBG

July 1, 2019-June 30, 2020

I. Overview

The U.S. Department of Housing and Urban Development (HUD) provides annual grants on a formula basis to entitlement cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low and moderate income persons.

As a result, HUD requires all jurisdictions receiving CDBG funding to identify and address community challenges by completing regular plans and reports to determine needs, priorities, goals, and strategies, that results in a funding strategy that addresses the community's needs. These plans are divided into three components: Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance Evaluation Report. The five (5) year Consolidated Plan (Con Plan) is the overarching document intended to bring big-picture goals and strategies for how to address community priorities. The Annual Action Plan (AAP) is a one year document that identifies specific projects and activities for funding. The Consolidated Annual Performance Evaluation Report (CAPER) is an annual report on the progress made on the projects and activities identified in the AAP and the Con Plan.

The City of Lewiston has been an entitlement community since 1974 when the Community Development Block Grant (CDBG) program was established, and the following document identifies the City's priority goals and strategies based on data collected for the community needs assessment and evaluated by the Citizens Advisory Committee (CAC) for inclusion in the City's 2015-2019 Con Plan.

The City has identified a high priority need for public services including homeless and special needs populations, affordable housing, economic opportunities, and infrastructure and public facilities.

The City continues to work on the following goals and objectives as identified in its Consolidated Plan for years 2015-2019 during the fifth year Annual Action Plan.

Goal 1: Support people in their efforts to transition out of poverty

- Focus on helping young people growing up in poverty to get the personal and educational skills needed to live a healthy and productive adult life.
- Support low-income adults to be better parents and workers through education and skill development, including work readiness and job training programs.
- Support services that meet people’s basic needs.
- Provide education to tenants and landlord to increase fair housing knowledge and choice

Goal 2: Prevent Homelessness

- Support case management services to help homeless people get the appropriate help to reconnect to the job and housing markets
- Support the “housing first” approach that focuses on getting people back in regular housing as a first step towards helping them re-integrated into the community.

Goal 3: Improve the safety and efficiency of the housing stock.

- Provide grants and low-interest loans for the rehabilitation of owner and rental housing that is occupied by low and moderate income households, including energy efficiency, weatherization and emergency repair for buildings.
- Fund a dedicated code enforcement position to support improvements to the housing stock.
- Continue to demolish derelict and abandoned buildings that cannot be salvaged.

Goal 4: Reduce Lead Hazards in Housing

- Create lead safe housing
- Continue to support the Green and Healthy Homes Initiative to create green and healthy homes that are: “dry, clean, ventilated, free from pests and contaminants, well-maintained and safe”

Goal 5: Create more stable and diverse Mixed-Income Neighborhoods

- Educate tenants who participate in lead abatement programs about responsible behavior and keeping apartments clean and well-maintained.
- Encourage the City to develop and maintain a list of landlords and their housing units, including contact information and history of code violations.

- Support efforts that bring landlords and tenants together to address housing issues.
- Improved access to broadband

Goal 6: Increase Neighborhood Pride through Investment in Infrastructure

- Support projects that achieve identified goals from the City’s Comprehensive Plan, the Riverfront Master Plan, and the Downtown Neighborhood Action Plan.
- Fill in the funding gaps to make projects “complete” including sidewalks, streetscaping, fiber, and sewer/water.
- Empower neighborhood residents and create a sense of investment by encouraging a “Friends of” organization to support the investment in the long-term if CDBG funds are used to build or improve a park.

Goal 7: Promote Jobs and Economic Growth

- Fund commercial redevelopment grant and loan programs for buildings in the downtown which includes elimination of slum and blight, restoration of historic buildings and commercial rehabilitation activities through the assistance to Micro-enterprise, small businesses, commercial rehab life safety, façade, and elevator programs.

II. Funding Available for the Fifth Year Annual Action Plan

This Annual Action Plan describes the annual goals and objectives, activities and a funding recommendation for FFY 2019 starting on July 1, 2019 through June 30, 2020. The goals and objectives listed here were identified as community priorities in the in the City’s 2015-2019 Consolidated Plan.

The City has been an entitlement grantee from the U. S. Department of Housing and Urban Development since 1974 when the CDBG program began. Each year the City receives an allocation of funding to support the goals and objectives identified in the five year Consolidated Plan. This year’s allocation is \$887,262, a reduction of \$6,272 from the prior year. In addition to the allocation, the City has carryover funding of \$18,750 (Choice Neighborhood) was allocated last year but went unspent. The City received an additional CDBG allocation of \$538,518 in FFY 2019 to provide assistance to families and businesses adversely affected by the Covid-19 pandemic. Some of this funding we will be spent in FFY 2019 but we are not able to determine how much at this time. Total entitlement funding available is \$1,444,530.

In addition to the CDBG allocation, the City receives program income from loans made to property owners to support jobs, economic growth, and improve housing. Funds are distributed as loans to qualified property owners. The balance will be \$447,000 on June 30, 2019. This balance is comprised of \$327,000 in the fund itself plus \$120,000 in program income received during the year. Total resources available to the City to accomplish its goals and objectives for this year is \$1,891,530. The RLF can only be used for loans made to property owners to improve commercial and residential properties and must meet one of the three national objectives: 1) Benefit low-moderate income persons; 2) Eliminate slums and blight; or 3) Fulfill an urgent need when no other resources are available.

4III. The Public Process – Citizens Advisory Committee

The City encourages citizen participation from Lewiston residents in developing the 5-Year Consolidated Plan, annual action plans and performance reports. The City especially encourages participation by residents of Census Tracts 201, 202, 203 and 204, the CDBG Target Area that is defined as a low and moderate income area; as well as participation from all citizens that may be homeless, persons with disabilities, immigrants and refugees, public housing authorities, and organizations representing these groups.

To ensure that all constituents are provided with an opportunity to be included in this important planning and implementation process, the City appoints and convenes a Citizens Advisory Committee (CAC) to assist in developing the specific goals and objectives of the Consolidated Plan, the Assessment of Fair Housing, and the annual Action Plan. Committee members are appointed by the Mayor to two year terms coinciding with the calendar year. This seven-person Committee includes one Lewiston City Councilor, one representative from the homeless community, a person representing the immigrant/refugee community, at least two citizens from the City's CDBG Target Area, with the remainder from the community at large.

In December, applications and requests for funding are received from organizations wanting to apply for CDBG funding in an open application process. Organizations must submit its request by December 31st. During the public process, the CAC members read, review, interview and score all applications for funding received from qualified applicants. This year the public process began on February 12, 2019. They met every week for 5 weeks and made their funding recommendations to the Council.

IV. Public Hearing

The first public hearing of the CDBG and HOME budget and Action Plan was held on March 28, 2019. Six citizens, City staff and the City Councilors attended the hearing. Lincoln Jeffers, Director of Economic and Community Development Department presented the budget and activities that were recommended for funding during FFY 19 ending June 30, 2020. HUD recommended that the City develop its budget on receiving the same amount of funding this year as the prior year; and adopt a contingency funding plan to adjust the budget once HUD published the amount that the City would actually receive during FFY 19.

Lincoln explained that this year, the CDBG funding allocation would be used to meet funding obligations imposed by funding match requirement for Lead, Choice and Brownfield grants; two department positions from other city departments (Social Services and Code Enforcement); and a planning grant for a consultant to write the HUD required plan "Analysis for Impediments for Fair Housing Choice," which will be incorporated into the new Consolidated Plan. This left very little funding for public service agencies this year. After significant discussion the CAC recommended funding fewer agencies, but at a higher level. The funding formula (Funding requested X (score/100) X .7) on the highest scoring agency; and the other agencies (Funding requested X (score/100) x .6)) until the funding available to allocate was gone. The recommended contingency plan was to increase or decrease the amount of funding going to the six agencies recommended for funding based on the amount of funding received. The City was notified in April 2019 that its allocation was reduced from \$893,534 to \$887,262. This resulted in a 9.57% funding reduction to each public service agency recommended for funding this year.

On March 28, 2019, during the public hearing portion of the budget and activity discussion, Betsy Sawyer-Manter, Executive Director of SeniorsPlus addressed the City Council and stated that their agency provides services to seniors and other disabled adults and that the largest percentage of persons served live in Lewiston. She expressed concern that this was the first time in a very long time that SeniorsPlus would not be able to count on Lewiston for its required match. Discussion regarding this request included a recognition that SeniorsPlus was an excellent agency that did great work. Councilor Lysen, asked the City Administrator and the Finance Director if there were other City Funds that might be used to meet the match. Councilor Marcotte suggested that the contingency funding plan might be revised to fund more agencies rather than provide additional funding to the top six scoring agencies if there was a large enough funding increase.

Chris Aceto, a Lewiston multi-family property owner, requested the City Council add funding into the lead grant match budget. The proposed budget identified \$75,000 from the Revolving Loan Fund (RLF) to be utilized for LEAD activities to assist property owners in providing the

requisite match to make properties lead safe. Many properties in the downtown have severe lead hazards. Aceto requested that the budget include additional funding to address this issue.

The public comment period began on March 23, 2019 through April 22, 2019, with a public hearing at a City Council Workshop on March 28, 2019. There were no other public comments received during this hearing period. On May 7, 2019, at a regular City Council meeting the final budget will be submitted to the Council for approval. There were no additional comments to report. There were no additional comments. City Council approved the budget and Action Plan 7-0.

V. Fifth Annual Action Plan, Goals and Objectives with Funding Recommendations

This is the fifth year of the City's 2015-2019 Consolidated Plan. The total funding available this year in the CDBG budget is \$1,891,530 and is comprised of this year's Entitlement allocation, carryover Entitlement funding from previous years, CDBG-CV the Revolving Loan Fund and Program Income. The table below lists the goals and strategies, the program/project that is recommended to receive the funding, the amount recommended by the CAC and the source of funding from the CDBG budget.

Goal 1: Anti-poverty

Key Strategies:

Poverty is a much larger problem than the Lewiston CDBG program can solve, yet CDBG support for social services can be a part of the solution. The Committee felt that social services funding should prioritize efforts that address the issue of intergenerational poverty by focusing on children and particularly those that work with the whole family. In addition, the committee would like to continue to support services that meet people's basic needs.

Strategies include:

1. Focus on helping young people growing up in poverty to get the personal and educational skills needed to live a healthy and productive adult life
2. Support low-income adults to successfully provide for themselves and their families through education and skill development, including mentoring, work readiness, and job training programs.
3. Support services that meet people's basic needs

Organization	Program/Project Name	CAC Recommended	Source of Funds
Promise Early Education Center and Childcare Program	Wrap around school child care	\$7,243	Entitlement
Trinity Jubilee Center	Day Shelter & Resource Center	\$14,161	Entitlement
	Early response to COVID-19	12,818	Reprogrammed Funding
Healthy Homeworks	Building Bed Program	\$11,267	Entitlement
Sophia's House	Case Management Services	\$10,561	Entitlement
Lewiston Adult Education	Integrated Skill Based Work Readiness Training	\$11,877	Entitlement
SUB Total for Goal 1		\$55,109	

Goal 2: Prevent Homelessness

Key Strategies:

Preventing homelessness requires helping the individuals and families to find new permanent housing. Without a stable address, it is impossible for people to get to work regularly, to stay healthy, or to plan for the future. This is why the Lewiston Auburn Alliance for Homeless Services (LAASH) calls for a "housing first" strategy that finds permanent housing for people as a first step towards making a better future.

Strategies include:

1. Help homeless people connect to the job and housing markets through case management services.
2. Provide staff support to Lewiston-Auburn Alliance for Services to the Homeless (LAASH) to improve access to services and housing for persons who are homeless or at risk.

Organization/Entity	Program/Project Name	CAC Recommended	Source of Funds
City of Lewiston	Case Management – Social Services Dept.	\$51,654	Entitlement
		\$55,000	CDBG-CV
Tedford Housing	Lewiston Supportive Services Program	\$4,151	Entitlement
Expand Essential Public services	Send a Notice of funding Availability to agencies providing additional services to assist families in need	\$105,688	CDBG-CV
Emergency Income Payment Program	Rent/Mortgage & Utility Assistance	\$247,830	CDBG-CV
SUB Total for Goal 2		\$464,323	

Goal 3: Housing Stock

Key Strategies:

Almost two-thirds of the housing stock in the target area was built before 1940. When old housing is combined with tenants and owners who have low incomes, the inevitable result is housing deterioration. Many of these housing units are not properly weatherized, have old electrical and plumbing systems, and have difficult access for the elderly or disabled.

CDBG/HOME strategy

1. Provide grants and low-interest loans for the rehabilitation of owner and rental housing that is occupied by low and moderate income households, including energy efficiency, weatherization and emergency repair for buildings. Focus on buildings with 1-4 units, and consider expanding to include larger multi-family buildings (with good landlord criteria required to qualify). Continue to work to combine multiple funding sources to make the most impact on individual buildings.
2. Fund a dedicated code enforcement position to support improvements to the housing stock.

3. Identify salvageable derelict properties and work with the private sector to rehabilitate.
4. Continue to demolish derelict and abandoned buildings that cannot be salvaged.
5. Support new construction of rental units for low to moderate income households.

Organization/Entity	Program/Project Name	CAC Recommended	Source of Funds
City of Lewiston	Enhanced Code Enforcement in the Target Area	\$73,690	Entitlement
City of Lewiston	L-A Lead Program Rehabilitation in support of lead hazard control activities	\$75,000	RLF
City of Lewiston	Weatherization for Properties with 5+ units	\$55,000	Entitlement
City of Lewiston	Rehabilitation Administration	\$40,389	Entitlement
Community Concepts, Inc.	Construction Management and Dust Wipe Clearances	\$7,500	Entitlement
Private Housing Property Owners	Housing Rehabilitation 1-4 unit properties	\$122,000	RLF
Choice Neighborhood Planning Implementation	Remove and Replace Distressed Housing	\$259,260	Entitlement
SUB Total for Goal 3		\$632,839	

Goal 4: Increase Neighborhood Pride through Investment

Key Strategies:

Improvements are needed to city streets, sidewalks and green spaces throughout the target area. CDBG support for infrastructure investments should focus on priorities identified in existing neighborhood plans, such as the Lewiston Comprehensive Plan, Choice

Neighborhood Planning and Action Plan (Draft form now but adoption expected the summer of 2019) Riverfront Island Master Plan (2012), and the Downtown Neighborhood Action Plan (2009), as well as ensuring the efficiency and completeness of proposed projects; for example, by providing the funds to repair sidewalks or install streetscaping at the time road improvements are made.

Strategies include:

1. Support projects that achieve identified goals: from the City’s Comprehensive Plan, the Riverfront Master Plan, and the Downtown Neighborhood Action Plan
2. Fill in the funding gaps to make projects “complete” including sidewalks, streetscaping, fiber, and sewer/water.
3. Empower neighborhood residents and create a sense of investment, for example if CDBG funds invest in a park, there needs to be a “Friends of” organization to support the investment in the long-term.

This year the City will implement the strategies of the Choice Neighborhood Action Plan and fund a match to an EPA Brownfields Cleanup grant for the Bates Weave Shed.

Organization	Program/Project Name	CAC Recommended	Source of Funds
City of Lewiston	Choice Neighborhood Match	\$100,000	Entitlement
		18,750	Carryover Entitlement
City of Lewiston	Brownfield Cleanup Match	\$60,000	Entitlement
SUB Total for Goal 4		\$178,750	

Goal 5: Jobs and Economic Growth

The RLF is utilized for economic development activities by funding commercial redevelopment to eliminate slum and blight, improve facades, convert underutilized upper floors to residential units, restore the historic significance to buildings, and creates or retains jobs. The City achieves this through the following programs: Economic Development Business Assistance, Facade Improvement Program, Facade Improvement Program for Historic Properties, Microenterprise Loan Program, Small Business Development Loan

Program and Residential Loan Program in mixed Use Properties. Funding of \$250,000 is available for these programs through the RLF.			
Organization	Program/Project Name	CAC Recommended	Source of Funds
Private Business Owners	Economic Development Loan Programs	\$250,000	RLF
Low – Moderate Income Business Owners	Micro-Enterprise Loan Program (1-5 employees)	\$30,000	CDBG-CV
Private Business Owners	Economic Development Grants (1-75 employees)	\$50,000	CDBG-CV
SUB Total for Goal 5		\$330,000	
Goal 6: Fair Housing			
The L-A Alliance for Fair Housing will conduct a workshop that addresses renter and owner issues. It is expected that the city will spend \$1802 of entitlement funding on this activity. The L-A Alliance for Fair Housing is comprised of the cities of Lewiston and Auburn and the PHAs of Lewiston Auburn. We share planning and implementation of the fair housing events and L-A splits the cost of the workshops.			
A-L Fair Housing Coalition		\$1,802.00	Entitlement
SUB Total for Goal 6		\$1,802.00	
Administrative Budget	Program/Project Name	CAC Recommended	Source of Funds
City of Lewiston	Administrative Salaries	\$172,707 \$50,000	Entitlement CDBG-CV
City of Lewiston (RFP to hire a consultant)	Analysis of Impediments to Fair Housing Choice	\$6,000	Entitlement
SUB Total for Administration & Planning		\$228,707	
Total Budget		\$1,891,530	

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT: **Resolve**, Approving and Adopting the 2020- 2024 CDBG Consolidated Plan, FFY 2020 CDBG Action Plan, and FFY 20 HOME Action Plan

INFORMATION:

Attached is the memo that was prepared for the March 26th City Council workshop that provided a summary of the 2020-2024 Consolidated Plan and the FFY 2020 CDBG and Home Action plans and budgets. The Action Plans and budgets for both programs were included in the workshop materials.

They have also been available for viewing on the City's ECD web page.

(<https://www.lewistonmaine.gov/563/CDBG-Information>) Public Notice was published in the Sun Journal on March 31, 2020, with public comment being taken until May 1st. The notice states that a public hearing will be had on the CDBG and HOME Action Plans on May 5th.

The March 26th workshop was held at the time the COVID-19 pandemic was just starting to take hold. Since then, the city has received \$538,518 in CARES Act funding, resulting in the need to adjust the CDBG Action Plan provided at the workshop. The 2020-2024 Consolidated Plan approved by the City Council at a Public Hearing on December 17th also needs to be amended to reflect the changes necessitated by the Cares Act funding. No changes have been made to the HOME Action Plan.

Revised copies of the CDBG Consolidated and Action Plan are attached, with changes shown in red that reflect public comments received as well as changes needed to utilize the CARES Act funding.

The Council is asked to approve the Amended 2020 -2024 CDBG Consolidate Plan, FFY 2020 CDBG Action Plan and FFY 2020 HOME Action Plan.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

Erin Kimm

REQUESTED ACTION:

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To hold a public hearing and then to approve the **Resolve**, Approving and Adopting the 2020- 2024 CDBG Consolidated Plan, FFY 2020 CDBG Action Plan, and FFY 20 HOME Action Plan

Economic and Community Development

Lincoln Jeffers

Director

Lewiston



2007



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Draft CDBG and HOME Action Plans and Budgets
Date: March 23, 2020

Background

Lewiston has been a Community Development Block Grant (CDBG) Entitlement Community since 1974. The City receives a Federal grant each year which is to be spent to benefit low to moderate income residents. The amount the city receives each year is based on a formula established by Congress. The formula does not change, but the amount the City receives is determined by how much funding Congress allocates annually to the CDBG program. As with the municipal budget, the City Council decides how CDBG funds are invested each year. However, as a Federal grant, there are regulations and processes which must be abided by in coming to that decision. Following is more detail on CDBG and the process for how those funds are to be spent.

The CDBG program was created in 1974 to help states and communities combat poverty and assist in the development of viable urban communities. It is administered by the Department of Housing and Urban Development (HUD). The overarching goals of the program are to help provide the following, principally for persons of low and moderate income:

- Safe, decent and affordable housing
- A suitable living environment
- Expanded economic opportunities

The CDBG program has three National Objectives that every activity funded must meet at least one of. The National Objectives are:

- Benefit low/moderate income people
- Aid in the prevention or elimination of slums or blight
- Meet an Urgent Need that is serious, threatening, and that cannot be met with other sources of funds

As an Entitlement Community and recipient of CDBG funds, Lewiston is charged with ensuring that every activity funded meets a National Objective and the overarching goals.

The bulk of Lewiston's CDBG funds are invested in, or to the benefit of the residents of a Target Area, Census Tracts 201 -204 (map attached). Historically, the city has used its funds primarily on housing improvements, economic development, infrastructure improvements in the Target Area, and social services. So long as the broad national goals of the program are met there is considerable flexibility in how the funds are spent.

New Consolidated Plan

As an Entitlement Community Lewiston is responsible for conducting a public planning process that includes residents, stakeholders a Citizen Advisory Committee and other interested parties in developing a 5 year strategic plan, known as the *Consolidated Plan*, that outlines how CDBG dollars will be best invested over the following 5 years. In December 2019 the City Council approved the *2020-2024 Lewiston Consolidated Plan*. The plan incorporates and builds upon other plans such as the *Choice Neighborhood Transformation Plan* and *Legacy Lewiston*. It includes a considerable amount of demographic and survey information. The plan articulated the following broad goals and strategies:

Goal 1: Provide essential public services to improve quality of life for individuals and families with low-moderate incomes, including special needs populations and those experiencing homelessness or at risk of becoming homeless.

- Grow an environment that supports health and wellness among community members. (including, but not limited to, access to health services, centralize resources for homeless in a one-stop shop, access to quality and nutritious food, navigation services to persons experiencing homelessness or at-risk of becoming homeless.
- Expand gap funding for flexible low barrier grants to support emergency needs in coordination with current community initiatives. (including, but not limited to, utility and security deposit)
- Grow individual education outcomes. (including, but not limited to, English language learning, early childhood, peer to peer education, job skills)
- Encourage agencies to coordinate services for persons experiencing homelessness.
- Address barriers to safe, decent, affordable housing. (including, but not limited to, tenant education, landlord meetings, access to information about cleaning and resources to help residents clean, information about how to rid households of bedbugs and roaches, funding to help landlords treat)
- Support distribution of materials on affordable housing and fair housing including cleaning checklists for residents at conferences, workshops, and other public venues.

Goal 2: Increase, maintain, and improve the supply of safe and affordable housing for individuals and families with extremely low to moderate incomes.

- Increase the number of owner occupied properties. **5.1 (CNTF)**
- Grow an inventory of safe, healthy, code compliant, and sustainable housing that provides housing choices for all.
- Remove lead and eliminate incidents of childhood lead poisoning. **1.2 (CNTF)**

Goal 3: Create economic opportunities for individuals and families with low-moderate incomes.

- Grow pathways to thrive and economic mobility for all. **Goal 9 (CNTF)** (build businesses to create new jobs, support small businesses startups and entrepreneurs, provide workforce training and education support, expand daycare services)
- Leverage CDBG funding to support redevelopment of Brownfield Sites.
- Invest in various types of commercial properties to reduce blight, support historic preservation, and partner with housing programs to create residential units on upper floors of mixed-use properties. Include broadband in building rehabilitation.

Goal 4: Preserve and improve public facilities and infrastructure that serve low to moderate-income neighborhoods or special needs residents.

- Provide safe, warm and welcoming spaces in all seasons for those experiencing homelessness.
- Improve key connections to, from, and within the neighborhood to other city assets. (sidewalks, park improvements, buses, signage)
- Expand public access to broadband.
- Provide construction funding for public facilities that serve at least 51% low-moderate income or special needs persons.

CDBG Budget/Action Plan

In accordance with HUD regulations to have a strong citizen voice in helping determine how CDBG funds are invested, Lewiston has 7 member Citizen Advisory Committee (CAC). Member include a City Councilor, representative for the homeless,

representative for the immigrant community, 2 residents of the CDBG Target Area, and the rest can be citizens from the broader community.

Lewiston has been awarded \$915,413 in CDBG funds for City Fiscal Year 2021 (starting July 1, 2020). This is an increase of \$28,151 (3.2%) over the prior year.

In January 2020 Lewiston's CAC began reading, reviewing, interviewing, and scoring public service agency and city department requests for CDBG funds. Attached is an Action Plan and Budget, both for CDBG and HOME funds, that provides their recommendations as to how those Federal funds should be invested in the coming year. The CAC makes funding recommendations, however; the City Council makes the final determination on how the funds are spent.

Lewiston is fortunate to have an abundance of strong public service agencies working in the community. HUD caps the amount of CDBG funding that can be allocated to agencies at no more than 15% of the total allocation received in any program year plus the program income (loan repayments) received in the prior year.

Historically the request for funds for public service agencies was much larger than the 15% cap allowed. Some agencies received no funding, and most received significantly less than they requested. In the upcoming 2021 Fiscal Year, for the first time in recent memory, all of the agencies that requested funding are recommended for funding. The highest scoring agencies (score of 28) are recommended to receive their full ask. The CAC recommends that agencies that scored 27 receive 98% of their ask, agencies that scored 26 get 96%, agencies that score 25, get 94%, and the agency that scored 24 get 92% of their ask.

The CAC also recommends:

- One Lewiston Code Enforcement Officer (CEO) be fully funded from the program. The CEO is dedicated to addressing slum, blight, and improving the quality of the housing in the CDBG Target Area.
- \$50,000 to fund additional rehabilitation to make buildings lead free, rather than lead safe as allowed under the City's Lead Grant
- \$45,000 to capitalize a MicroEnterprise Program
- Howe Street has no sidewalks near Tree Street Youth. \$30,000 is recommended in funding for design/engineering of sidewalks in that vicinity, with \$167,000 to be funded the following year.
- \$60,375 to fund rehabilitation of a path along the river in Lionel Potvin Park
- \$40,000 to be combined with \$60,000 from last year's CDBG allocation to meet the \$100,000 Federal Match requirement for the \$500,000 Bates Mill #5 Brownfields Clean-Up Grant.
- \$118,750 to be combined with \$118,750 from a prior CDBG allocation to meet the Federal Match requirement of the \$1.3 million Choice Neighborhoods Planning and Action Grant

- \$25,000 to install a drinking water fountain in Kennedy Park (among the top improvements requested during the Choice Planning work, but not eligible, per HUD for Choice funding)

Funding for Economic and Community Development Department staff positions, travel, training, and office supplies come from \$173,083 in CDBG Administration, and \$99,522 for Rehabilitation Administration. CDBG Administration and Planning is capped at 20% of the allocation. Staff time dedicated to the rehabilitation of properties are paid under Rehab Administration.

HOME Action Plan/Budget

HOME is another program administered by HUD that can only be used to increase the supply of and access to decent, safe, and affordable housing in the community. Similar to CDBG, the HOME program receives an annual allocation from Congress, but neither Auburn nor Lewiston is large enough to qualify for an allocation on their own, so in 2002 the two cities formed a HOME Consortium, and has received an annual allocation each year since. Auburn is the lead applicant and administers the programs for both cities.

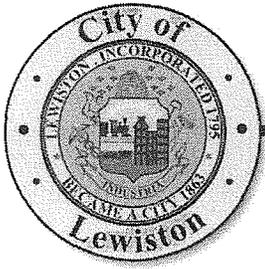
In FY 2021 the total allocation for Consortium is \$491,476. Lewiston's share of the allocation is \$234,138. Combined with unspent funding from previous years the total amount available to spend in FY 2021 is \$628,158. Attached is an Action Plan and Budget that reflects the CAC's funding recommendations. They include:

- \$17,400 for Program Administration
- \$15,000 for security deposit grants for homeless or near homeless
- \$330,000 in HOME funds to help construct Avesta's 35 unit Blake+Pine project
- \$265,758 to help Raise-Op Housing 9 unit new construction project

Next Steps

Adoption of the CDBG and HOME budgets and Action Plans require a 30 day public comment period, and a public hearing prior to adoption. A public notice will be run in the Sun Journal on March 31 to start the public comment period. The action plans and budgets will be available on Lewiston's Economic and Community Development Department web page at <https://www.lewistonmaine.gov/563/CDBG-Information>. Public comment on them will be received at ECDevelopment@lewistonmaine.gov. The Public Hearing will be held in front of the Lewiston City Council on May 5. Public comments received during the public comment period will be shared with the City Council at the May 5 Public Hearing. Public comments at the hearing will be taken at PublicComment@lewistonmaine.gov.

Your questions and comments are welcome.



CITY OF LEWISTON, MAINE

May 5, 2020

COUNCIL RESOLVE

Resolve, Approving and Adopting the 2020- 2024 CDBG Consolidated Plan, FFY 2020 CDBG Action Plan, and FFY 20 HOME Action Plan

Whereas, Lewiston is a Community Development Block Grant (CDBG) Entitlement Community; and

Whereas, as an Entitlement Community Lewiston must comply with requirements contained in Title 24 CFR 570.302 regarding the adoption of a 5 year Consolidated Plan that outlines how CDBG funds will be invested during the term of the plan; and

Whereas, the proposed Consolidated Plan has been developed through a robust public engagement process in concert with a seven member CDBG Citizen Advisory Committee and other stakeholders and residents of the community; and

Whereas, the Citizen Advisory Board has also developed recommended budgets and Action Plans for CDBG and HOME funds for FFY 2020; and

Whereas, the plans have met the requisite public notice, public hearing and public comment periods; and

Whereas, these plans have been amended from the first drafts circulated in order to incorporate the \$538,518 in additional CDBG Cares Act funds the city was notified of the award of on April 1, 2020;

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

The attached 2020 -2024 CDBG Consolidated Plan, CDBG FFY 2020 Action Plan, and HOME FFY 2020 Action Plan are hereby approved and adopted, substantially in the form as presented, and that the same be submitted to the U.S. Department of Housing and Urban Development for approval.

City of Lewiston

DRAFT Annual Action Plan and Funding Priorities for HOME

July 1, 2020-June 30, 2021

I. Overview

The U.S. Department of Housing and Urban Development (HUD) provides an annual formula of funding through the HOME Partnership Investment Program to participating jurisdictions for investment to increase the number of families served with decent, safe, sanitary, and affordable housing and expand the long-term supply of affordable housing.

The Cities of Auburn and Lewiston formed the A-L HOME Consortium (ALHC) in July 2002 that enable the Cities to receive HOME Investment Partnership Program (HOME) funding from the U.S. Department of Housing and Urban Development (HUD). Auburn is the lead entity and Lewiston is the member.

Every year the ALHC receives an allocation from HUD. The total allocation for FFY 2020 is \$491,476 which is a \$48,703 increase over last year's allocation of \$442,773. Lewiston's portion of the allocation is \$234,138 of which \$17,400 will cover staff salaries and administrative costs. Unused funds carry-over from year to year, this year the City has a carryover balance of \$394,020, which, when added to the current year's allocation of \$234,138, is \$628,158 available to spend.

II. The Public Process – Citizens Advisory Committee

The City encourages citizen participation from Lewiston residents in developing the 5-Year Consolidated Plan, annual action plans and performance reports. The City especially encourages citizens living in the CDBG Target Area that is comprised of Census Tracts 201, 202, 203 and 204 and the Neighborhood Revitalization Strategy Area (NRSA) encompassing Census Tracts 201, 203, & 204. Much of the funding is directed to these areas because a high percentage of their residents have low to moderate incomes, are homeless, persons with disabilities, immigrants and refugees, public housing authorities, and organizations representing these groups.

To ensure that all constituents are provided with an opportunity to be included in this important planning and implementation process, the City appoints and convenes a Citizens Advisory Committee (CAC) to assist in developing the specific goals and objectives of the Consolidated Plan, the Assessment of Fair Housing, and the annual Action Plan. Committee members are

appointed by the Mayor to two year terms coinciding with the City's Fiscal Year (July 1 – June 30). This seven-person Committee includes a Lewiston City Councilor, a representative from the homeless community, a representative from the immigrant/refugee community, at least two citizens from the City's CDBG Target Area, with the remainder from the community at large.

The Citizens Advisory Committee met on March 13, 2020 to discuss the HOME budget. During that meeting the CAC approved the budget and made a funding recommendation for action at the City Council meeting on May 5, 2020.

III. Public Hearings:

Public Notice will be published on March 31, 2020 with a public comment period running through the end of day on May 1, 2020. A public hearing on the Annual Action Plan and the CDBG and HOME budget with action by the City Council will be held on May 5, 2020 meeting using the following protocol due to public health concerns relating to COVID-19.

In accordance with State law and the U.S. Department of Housing and Urban Development's requirement for a public process, The Lewiston City Council meeting will be open to the public. However, in compliance with the Governor's Coronavirus health recommendation, the total capacity of the Council Chambers will be limited to no more than 10 individuals.

We urge those who do not need to be present in person to watch the meeting "live" on Spectrum Cable Channel 1301 OR on the City of Lewiston's YouTube channel: www.lewistonmaine.gov/youtube The meeting will also be streamed "live" on Great Falls TV's web site: <http://www.auburnmaine.gov/pa.../great-falls-tv/great-falls-tv> (scroll down for Lewiston Government).

The hearing will be at the regular meeting of the City Council at 7:00 pm. The agenda for the meeting is at: <http://www.lewistonmaine.gov/105/Mayor-City-Council>

For those watching at home, you may email us with your comments and questions at: PublicComment@lewistonmaine.gov. Comments that comply with the City's public comment policy will be shared with the City Council.

V. First Annual Action Plan, Goals and Objectives with Funding Recommendations

Auburn, as Consortium Lead, will add Lewiston's recommendations for HOME project funding to the A-L HOME Consortium 2020-2024 Consolidated Plan. The total funding available for this year's budget is \$628,158. The table below lists the goals and strategies, the program/project

that is recommended to receive the funding, the amount recommended by the CAC and the source of funding from the HOME budget.

Goal 1: Provide essential public services to improve quality of life for individuals and families with low-moderate incomes, including special needs populations and those experiencing homelessness or at risk of becoming homeless.			
Key Strategy:			
<ul style="list-style-type: none"> Expand gap funding for flexible low barrier grants to support emergency needs in coordination with current community initiatives. (including, but not limited to, utility and security deposit) 			
Organization	Program/Project Name	CAC Recommended	Source of Funds
City of Lewiston - LAASH	Security Deposit Program	\$15,000	HOME
SUB Total for Goal 1		\$15,000	
Goal 2: Increase, maintain, and improve the supply of safe and affordable housing for individuals and families with extremely low to moderate incomes.			
<ul style="list-style-type: none"> Key Strategies:Increase the number of owner occupied properties. 5.1 Choice Neighborhood Transformation Plan (CNTP) Grow an inventory of safe, healthy, code compliant, and sustainable housing that provides housing choices for all. Goal 4 (CNTP) Remove lead and eliminate incidents of childhood lead poisoning. 1.2 (CNTP) 			
Organization	Program/Project Name	CAC Recommended	Source of Funds
Raise-Op Housing Cooperative	198 Blake Street – Create 9 units of affordable new homeowner occupied housing units	\$265,758	HOME
Blake and Pine Housing	Create 35 units of new rental housing units (28 affordable and 7 market units)	\$330,000	HOME
SUB Total for Goal 2		\$595,758	

Administrative Costs			
Organization	Program/Project Name	CAC Recommended	Source of Funds
City of Lewiston	Administrative Costs	\$17,400	HOME
SUB Total for Administration		\$17,400	
TOTAL BUDGET		\$628,158	

Projected Assistance to Low-Moderate Income Households:

Tenant Based Security Deposit: The City expects to fund an average security deposit of \$900 to 18 individuals/families that are homeless or near homeless. This will enable them to secure permanent housing.

Homeowner-Occupied New Construction: The City has allocated \$265,758 to create 9 units of affordable new rental housing of which 7 will be HOME units. It is expected that an average subsidy of \$37,000 /average per unit = \$260,000 and \$5,758 is expected to cover the project costs relating to construction oversight.

Rental Housing: The City has allocated \$330,000 to create 2 units of affordable new rental housing this year. It is expected that an average subsidy of \$162,500/unit = \$325,000 and \$5,000 is expected to cover the project costs relating to construction oversight.

Once approved, the City will send the approved annual Action Plan with its funding priorities to HUD for final approval.

City of Lewiston

DRAFT Annual Action Plan and Proposed Budget for CDBG

July 1, 2020-June 30, 2021

I. Overview

The U.S. Department of Housing and Urban Development (HUD) provides annual grants on a formula basis to entitlement cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low and moderate income persons.

As a result, HUD requires all jurisdictions receiving CDBG funding to identify and address community challenges by completing regular plans and reports to determine needs, priorities, goals, and strategies, that results in a funding strategy that addresses the community's needs. These plans are divided into three components: Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance Evaluation Report. The five (5) year Consolidated Plan (Con Plan) is the overarching document intended to bring big-picture goals and strategies for how to address community priorities. The Annual Action Plan (AAP) is a one year document that identifies specific projects and activities for funding. The Consolidated Annual Performance Evaluation Report (CAPER) is an annual report on the progress made on the projects and activities identified in the AAP and the Con Plan.

The City of Lewiston has been an entitlement community since 1974 when the Community Development Block Grant (CDBG) program was established, and the following document identifies the City's priority goals and strategies based on data collected for the community needs assessment and evaluated by the Citizens Advisory Committee (CAC) for inclusion in the City's 2020-2024 Con Plan.

The City has identified a high priority need for public services including homeless and special needs populations, affordable housing, economic opportunities, and infrastructure and public facilities. The goals and strategies align with other community plans including Legacy Lewiston (LL), Choice Neighborhood Transformation Plan (CNTP), EPA Environmental Justice Collaborative Problem Solving Grant (EPA-EJCPS), and Analysis of Impediments to Fair Housing Choice (AI).

The City has established the following goals to meet these needs:

Goal 1: Provide essential public services to improve quality of life for individuals and families with low-moderate incomes, including special needs populations and those experiencing homelessness or at risk of becoming homeless.

To meet this goal the City will fund non-profit agencies and organizations to support community members including the homeless, those at risk of being homeless and special needs populations with a variety of services that are inclusive for residents of all ethnic and cultural backgrounds.

Goal 2: Increase, maintain, and improve the supply of safe and affordable housing for individuals and families with extremely low to moderate incomes.

To meet this goal, the City will fund affordable housing acquisition, historic rehabilitation, code enforcement, demolition of dilapidated structures with reconstruction, and homebuyer assistance. These activities will be carried out through the City's rehabilitation programs with direct assistance to the homeowner or investor owner and nonprofit partnerships.

Goal 3: Create economic opportunities for individuals and families with low-moderate incomes.

To meet this goal, the City will fund businesses through its economic development programs directly to entrepreneurs wanting to establish their business, with extra support for transportation, child care; investors and business owners that want to rehabilitate, improve or expand their business. CDBG will also be used as match funding for the \$500,000 EPA Brownfields Grant the city received for Bates Mill #5. The outcomes of these goals are to create and retain jobs.

Goal 4: Preserve and improve public facilities and infrastructure that serve low to moderate-income neighborhoods or special needs residents.

To meet this goal, the City will fund infrastructure reconstruction, rehabilitation, to parks, streets, sidewalks, improved broadband access, etc. in our target area. These activities will be carried out by the Public Works Department. Additionally, the City will fund activities relating to public facility rehabilitation and improvement. These activities will be carried out by non-profit owners/developers. Public infrastructure funding will be awarded once annually as part of the annual allocation process. Public Facilities requests for funding will be available on a rolling basis throughout the year, limited by funding availability.

II. Funding Available for the First Year Annual Action Plan

This Annual Action Plan describes the annual goals and objectives, activities and a funding recommendation for FFY 2020 starting on July 1, 2020 through June 30, 2021. The goals and objectives listed here were identified as community priorities in the in the City's 2020-2024 Consolidated Plan.

The City has been an entitlement grantee from the U. S. Department of Housing and Urban Development since 1974 when the CDBG program began. Each year the City receives an allocation of funding to support the goals and objectives identified in the five year Consolidated Plan. This year's allocation is \$915,413, which is an increase of \$28,151 (3.17%) from the prior year. In addition to the entitlement allocation, the City has \$89,182 in entitlement carryover funding remaining from the previous year's budget that will be reallocated to fund additional entitlement activities. The City received \$538,518 in the previous year to provide assistance to families and businesses adversely affected by the Covid-19 pandemic. Some of this funding we expect will be spent in the prior year but we are not able to determine how much at this time.

In addition to the CDBG Entitlement allocation, the City operates a Revolving Loan Fund (RLF) which is comprised of principal and interest made on loans that are made directly to meet one of the three national objectives as follows:

- 1) Benefit low-moderate income persons;
- 2) Eliminate slums and blight; or
- 3) Fulfill an urgent need when no other resources are available.

The interest received is considered program income which may also be used to fund CDBG program activities or may revolve to increase the balance in the Revolving Loan Fund (RLF) and made available as loans. The amount available in the RLF on June 30, 2020 is projected to be \$726,917. The projected program income for FFY 2020 is \$ 175,556.

In FFY 2020, the City is expected to have \$2,445,586 in total resources (Entitlement, Carryover Entitlement, RLF, and Program Income) available to accomplish its goals and objectives.

III. The Public Process – Citizens Advisory Committee

The City encourages citizen participation from Lewiston residents in developing the 5-Year Consolidated Plan, annual action plans and performance reports. The City especially encourages citizens living in the CDBG Target Area that is comprised of Census Tracts 201, 202, 203 and 204 and the Neighborhood Revitalization Strategy Area (NRSA)

encompassing Census Tracts 201, 203, & 204. Much of the funding is provided to these areas because a higher proportion of citizens in these Census Tracts have low to moderate incomes, are homeless, persons with disabilities, immigrants and refugees, public housing authorities, and organizations representing these groups.

To ensure that all constituents are provided with an opportunity to be included in this important planning and implementation process, the City appoints and convenes a Citizens Advisory Committee (CAC) to assist in developing the specific goals and objectives of the Consolidated Plan, the Assessment of Fair Housing, and the annual Action Plan. Committee members are appointed by the Mayor to two year terms coinciding with the City's Fiscal Year (July 1 – June 30). This seven-person Committee includes a Lewiston City Councilor, a representative from the homeless community, a representative from the immigrant/refugee community, at least two citizens from the City's CDBG Target Area, with the remainder from the community at large.

On December 17, 2019, the City Council approved the new five year 2020-2024 Consolidated Plan. On December 31, 2020, the City announced the Notice of Funding Availability and opened the application process for organizations interested in applying for CDBG funding. Applications were due on January 31, 2020, and the Citizens Advisory Committee (CAC) members met each Friday from February 21, 2020-March 13, 2020 to read, review, interview, and score applications for funding received from qualified applicants. During their final meeting on March 13, 2020, the CAC agreed on funding recommendations for action at the City Council meeting on May 5, 2020.

IV. Public Hearing

Public Notice will be published on March 31, 2020 with a public comment period running through the end of day on May 1, 2020. A public hearing on the Annual Action Plan and the CDBG and HOME budget with action by the City Council will be held on May 5, 2020 meeting using the following protocol due to public health concerns relating to COVID-19.

In accordance with State law and the U.S. Department of Housing and Urban Development's requirement for a public process, The Lewiston City Council meeting will be open to the public. However, in compliance with the Governor's Coronavirus health recommendation, the total capacity of the Council Chambers will be limited to no more than 10 individuals.

We urge those who do not need to be present in person to watch the meeting "live" on Spectrum Cable Channel 1301 OR on the City of Lewiston's YouTube channel: www.lewistonmaine.gov/youtube The meeting will also be streamed "live" on Great

Falls TV's web site: <http://www.auburnmaine.gov/pa.../great-falls-tv/great-falls-tv> (scroll down for Lewiston Government).

The hearing will be at the regular meeting of the City Council at 7:00 pm. The agenda for the meeting is at: <http://www.lewistonmaine.gov/105/Mayor-City-Council>

For those watching at home, you may email us with your comments and questions at: PublicComment@lewistonmaine.gov. Comments that comply with the City's public comment policy will be shared with the City Council.

V. First Annual Action Plan, Goals and Objectives with Funding Recommendations

This is the first year of the City's 2020-2024 Consolidated Plan. The total funding available this year in the CDBG budget is \$2,445,586 and is comprised of this year's Entitlement allocation, carryover Entitlement funding from previous years, CDBG-CV, the Revolving Loan Fund and Program Income. The table below lists the goals and strategies, the program/project that is recommended to receive the funding, the amount recommended by the CAC and the source of funding from the CDBG budget.

Goal 1: Provide essential public services to improve quality of life for individuals and families with low-moderate incomes, including special needs populations and those experiencing homelessness or at risk of becoming homeless.
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Key Strategies:

- | |
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| <ul style="list-style-type: none">• Grow an environment that supports health and wellness among community members. Goal 6, CNTP (including, but not limited to, access to health services, centralize resources for homeless in a one-stop shop, access to quality and nutritious food, navigation services to persons experiencing homelessness or at-risk of becoming homeless)• Expand gap funding for flexible low barrier grants to support emergency needs in coordination with current community initiatives. (including, but not limited to, utility and security deposit)• Grow individual education outcomes. Goal 8, CNTP (including, but not limited to, English language learning, early childhood, peer to peer education, job skills)• Encourage agencies to coordinate services for persons experiencing homelessness.• Address barriers to safe, decent, affordable housing (including, but not limited to, tenant education, landlord meetings, access to information about cleaning and resources to help residents clean, information about how to rid households of |
|--|

bedbugs and roaches.)

- Support distribution of materials on affordable housing and fair housing including cleaning checklists for residents at conferences, workshops, and other public venues.

Organization	Program/Project Name	CAC Recommended	Source of Funds
Promise Early Education Center and Childcare Program	Wrap around school child care	\$10,000	Entitlement
Trinity Jubilee Center	Day Shelter & Resource Center	\$29,000	Entitlement
Trinity Jubilee Center	Food Pantry	\$9,000	Entitlement
Community Credit Union	Economic Security, Bridging Financial Gaps	\$14,933	Entitlement
Lewiston Adult Education	Integrated Skill Based Work Readiness Training	\$18,973	Entitlement
Literacy Volunteers	Workplace Literacy English Conversation Classes	\$4,900	Entitlement
YWCA Central Maine	School Aged Children's Program	\$9,800	Entitlement
Community Credit Union	Community Navigator	\$14,396	Entitlement
New Beginnings	Youth Educational Support Program	\$14,400	Entitlement
Seniors Plus	Nourishment and Health and Wellness	\$24,000	Entitlement
Veteran's Inc.	Increasing Supportive Services for Maine Veterans	\$9,600	Entitlement
Tedford Housing	Lewiston Supportive Services Program	\$6,580	Entitlement
Tree Street Youth	CEDAR Workforce Development Program	\$18,400	Entitlement
Expand Essential Public services	Send a Notice of funding Availability to agencies providing additional services to assist families in need	\$105,688	CDBG-CV

	Social Services	\$55,000	CDBG-CV
Emergency Income Payment Program	Rent/Mortgage & Utility Assistance	\$247,830	CDBG-CV
SUB Total for Goal 1		\$592,500	

Goal 2: Increase, maintain, and improve the supply of safe and affordable housing for individuals and families with extremely low to moderate incomes.

Key Strategies:

- Increase the number of owner occupied properties. **5.1 (CNTP)**
- Provide incentives for new homeowners to purchase 1-4 unit properties in the downtown Census Tracts of 201-204
- Grow an inventory of safe, healthy, code compliant, and sustainable housing that provides housing choices for all. **Goal 4 (CNTP)**
- Remove lead and eliminate incidents of childhood lead poisoning. **1.2 (CNTP)**

Organization/Entity	Program/Project Name	CAC Recommended	Source of Funds
City of Lewiston	Enhanced Code Enforcement in the Target Area	\$79,701	Entitlement
City of Lewiston	Choice Housing Gap Funding Program (PILOT) to make units lead free rather than lead safe	\$50,000	Entitlement
City of Lewiston	Rehabilitation Administration	\$99,522	Entitlement
Private Housing Property Owners	Lead Match to owners participating in the Lewiston Lead Program	\$101,250	RLF
Private and Non-profit Housing Property Owners	Housing Loan Program for Rehabilitation and Purchase	\$173,750	RLF

SUB Total for Goal 2	\$504,223	
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Goal 3: Create economic opportunities for individuals and families with low-moderate incomes.

Key Strategies:

- Grow pathways to thrive and economic mobility for all. **Goal 9 (CNTP)** (build businesses to create new jobs, support small businesses startups and entrepreneurs, provide workforce training and education support, expand daycare services)
- Leverage CDBG funding to support redevelopment of Brownfield Sites.
- Invest in various types of commercial properties to reduce blight, support historic preservation, and partner with housing programs to create residential units on upper floors of mixed-use properties. Include broadband in building rehabilitation. **(CNTP and LL)**
- **Provide Emergency Business Assistance, Rehabilitation Expense Assistance and Assistance to support entrepreneurs to build capacity and develop business**

Organization/Entity	Program/Project Name	CAC Recommended	Source of Funds
Low – Moderate Income Business Owners	Micro Enterprise Grant Program (1-5 employees)	\$45,000 \$30,000 \$80,000	Entitlement CDBG-CV Carryover Entitlement
Low – Moderate Income Business Owners	Micro-Enterprise Loan Program (1-5 employees)	\$100,000	RLF
Private Business Owners	Economic Development Grants (1-75 employees)	\$50,000 \$175,000	CDBG-CV Program Income from RLF
City of Lewiston	Clean-up of Bates Mill #5 (EPA grant required match)	\$40,000 \$9,182	Entitlement Carryover Entitlement
Private Business Owners	Economic Development Loan Programs	\$352,473	RLF

SUB Total for Goal 3		\$881,655	
Goal 4: Preserve and improve public facilities and infrastructure that serve low to moderate-income neighborhoods or special needs residents.			
Key Strategies:			
<ul style="list-style-type: none"> • Provide safe, warm and welcoming spaces in all seasons for those experiencing homelessness 6.3 (CNTP) • Improve key connections to, from, and within the neighborhood to other city assets 2.3d (CNTP) (sidewalks, park improvements, buses, signage) • Expand public access to broadband (CNTP and LL) • Provide construction funding for public facilities that serve at least 51% low-moderate income or special needs persons. 			
Organization	Program/Project Name	CAC Recommended	Source of Funds
City of Lewiston/PW	Lionel Potvin Park – trail rehabilitation	\$60,375	Entitlement
City of Lewiston/PW	Howe Street Sidewalks (1 st year funding on a 2 year project)	\$30,000	Entitlement
City of Lewiston	Choice Neighborhood Match	\$118,750	Entitlement
City of Lewiston	Choice Neighborhood – Drinking Water Fountain	\$25,000	Entitlement
SUB Total for Goal 4		\$234,125	

Administrative Budget	Program/Project Name	CAC Recommended	Source of Funds
City of Lewiston	Administrative Salaries	\$173,083 \$50,000	Entitlement CDBG-CV
City of Lewiston (RFP to hire a consultant)	Fair Housing Market Study	\$10,000	Entitlement
SUB Total for Administration & Planning		\$233,083	
Total Budget		\$2,445,586	

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Once approved, the City will send the approved annual Action Plan with its funding priorities to HUD for final approval.

City of Lewiston

2020-2024 DRAFT Consolidated Plan

I. Overview

The U.S. Department of Housing and Urban Development (HUD) provides annual grants on a formula basis to entitlement cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low and moderate income persons.

As a result, HUD requires all jurisdictions receiving CDBG funding to identify and address community challenges by completing regular plans and reports to determine needs, priorities, goals, and strategies, that results in a funding strategy that addresses the community's needs. These plans are divided into three components: Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance Evaluation Report. The five (5) year Consolidated Plan (Con Plan) is the overarching document intended to bring big-picture goals and strategies for how to address community priorities. The Annual Action Plan (AAP) is a one year document that identifies specific projects and activities for funding. The Consolidated Annual Performance Evaluation Report (CAPER) is an annual report on the progress made on the projects and activities identified in the AAP and the Con Plan.

The City of Lewiston has been an entitlement community since 1974 when the Community Development Block Grant (CDBG) program was established, and the following document identifies the City's priority goals and strategies based on data collected for the community needs assessment and evaluated by the Citizens Advisory Committee (CAC) for inclusion in the City's 2020-2024 Con Plan.

The City has identified a high priority need for public services including homeless and special needs populations, affordable housing, economic opportunities, and infrastructure and public facilities. The goals and strategies align with other community plans including Legacy Lewiston (LL), Choice Neighborhood Transformation Plan (CNTP), EPA Environmental Justice Collaborative Problem Solving Grant (EPA-EJCPS), and Analysis of Impediments to Fair Housing Choice (AI).

The City has established the following goals to meet these needs:

Goal 1: Provide essential public services to improve quality of life for individuals and families with low-moderate incomes, including special needs populations and those experiencing homelessness or at risk of becoming homeless.

To meet this goal the City will fund non-profit agencies and organizations to support community members including the homeless, those at risk of being homeless and special needs populations with a variety of services that are inclusive for residents of all ethnic and cultural backgrounds.

**City of Lewiston
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Goal 2: Increase, maintain, and improve the supply of safe and affordable housing for individuals and families with extremely low to moderate incomes.

To meet this goal, the City will fund affordable housing acquisition, historic rehabilitation, code enforcement, demolition of dilapidated structures with reconstruction, and homebuyer assistance. These activities will be carried out through the City’s rehabilitation programs with direct assistance to the homeowner or investor owner and nonprofit partnerships.

Goal 3: Create economic opportunities for individuals and families with low-moderate incomes.

To meet this goal, the City will fund businesses through its economic development programs directly to entrepreneurs wanting to establish their business, with extra support for transportation, child care; investors and business owners that want to rehabilitate, improve or expand their business, and match CDBG for brownfield redevelopment. The outcome of this goal is to create and retain jobs.

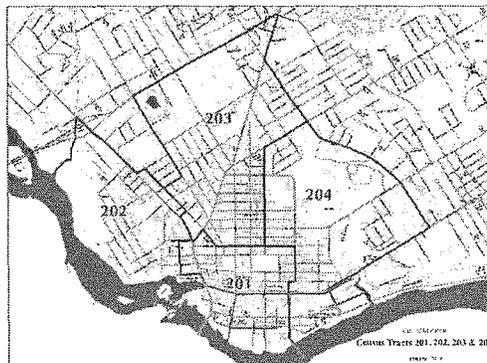
Goal 4: Preserve and improve public facilities and infrastructure that serve low to moderate-income neighborhoods or special needs residents.

To meet this goal, the City will fund infrastructure reconstruction, rehabilitation, to parks, streets, sidewalks, etc. in our target area. These activities will be carried out by the Public Works Department. Additionally, the City will fund activities relating to public facility rehabilitation and improvement. These activities will be carried out by non-profit owners/developers.

II. Geographic Priorities – 91.415, 91.215(a)(1)

A. Geographic Priority Areas (Target area Maps)

Target Area:
Census Tracts 201,
202, 203, and 204
NRSA:
Census Tracts 201,
203, and 204
Choice
Neighborhood:
Census Tracts 201,
203, and 204



appendix A)

**City of Lewiston
2020-2024 DRAFT Consolidated Plan**

B. General Allocation Priorities (Describe the basis for allocating investments geographically)

As described in the Needs Assessment, the geography of the City includes an outer ring comprised of primarily of owner-occupied single family housing (Census Tracts (CT) 205-209) and an inner circle of very dense multifamily rental housing (CT 201-204). The majority of the funding received from CDBG goes into the Census Tracts 201-204, which are our lowest income neighborhoods and an area designated as the CDBG Target Area. New data indicates that Census Tract 202, while still considered in the CDBG Target area for this Consolidated Plan, is changing. It is comprised of a higher number of owner-occupied single family properties (1-4 units) than in the other census tracts and the median income is rising. It remains a qualified CT with over 51% of neighborhood residents considered low to moderate income. In February 2017, the City received a Choice Neighborhood Planning and Action Grant that identified Census Tracts of 201, 203, and 204 as the Choice Neighborhood. In 2018, following the boundaries identified in the Choice Neighborhood, HUD designated Census Tracts 201, 203, and 204 a Neighborhood Strategy Revitalization Area (NRSA).

The City intends to allocate 75% of its funding in the NRSA; 20% of its funding in Census Tract 202; and 5% of its funding city-wide to address housing needs of persons that are low to moderate income homeowners.

III. Priority Needs – 91.415, 91.215(a)(2) (Goals, Strategies and Data)

1	Priority Need Name	Provide Essential Public Services	
	Priority Level	High	
	Population	Children (17 and under) Young Adults (ages 18-24) Adults (ages 25-61) Elderly (age 62+) Veterans Incomes Persons living with HIV	Families with Children Persons with Disabilities Victims of Domestic Violence Persons Experiencing Homelessness Persons with Low/Extremely Low
	Geographic Areas Affected	Census Tracts 201, 202, 203, 204 City-wide	

**City of Lewiston
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<p>Associated Goals</p>	<p>Provide essential public services to improve quality of life for individuals and families with low-moderate incomes, including special needs populations and those experiencing homelessness or at risk of becoming homeless.</p>
<p>Description</p>	<p>The following strategies will focus our funding priorities to the greatest community need. Some strategies align with other community plans including Legacy Lewiston (LL), Healthy Androscoggin’s Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement, and the Choice Neighborhood Transformation Plan (CNTP).</p> <p>Grow an environment that supports health and wellness among community members. Goal 6, CNTP (including, but not limited to, access to health services, centralize resources for homeless in a one-stop shop, access to quality and nutritious food, navigation services to persons experiencing homelessness or at-risk of becoming homeless)</p> <p>Expand gap funding for flexible low barrier grants to support emergency needs in coordination with current community initiatives. (including, but not limited to, utility and security deposit)</p> <p>Grow individual education outcomes. Goal 8, CNTP (including, but not limited to, English language learning, early childhood, peer to peer education, job skills)</p> <p>Encourage agencies to coordinate services for persons experiencing homelessness. (LL)</p> <p>Address barriers to safe, decent, affordable housing (including, but not limited to, tenant education, landlord meetings, access to information about cleaning and resources to help residents clean, information about how to rid households of bedbugs and roaches.)</p> <p>Support distribution of materials on affordable housing and fair housing including cleaning checklists for residents at conferences, workshops, and other public venues.</p>

**City of Lewiston
2020-2024 DRAFT Consolidated Plan**

<p>Basis for Relative Priority</p>	<p>1. Homelessness is a pervasive issue in Lewiston. Lewiston General Assistance has identified 169 persons experiencing homelessness, of whom 26% identify as chronically homeless. Lewiston Police Department has identified an additional 62 persons who had contact with law enforcement between January and October of 2019. These numbers only include adults experiencing homelessness. It is estimated there are 200 youth experiencing homelessness in Lewiston. Disparate services, as well as the invisible nature of the majority of the homeless population, make it difficult to provide consistent assistance and services to individuals experiencing homelessness or at risk of homelessness (see appendix for definition). Preventing homelessness requires more than additional shelter beds. It requires helping the individuals and families to find new permanent housing. Without a stable address, it is impossible for people to get to work regularly, stay healthy, or plan for the future. This is why the Lewiston Auburn Alliance for Homeless Services (LAASH) calls for a “housing first” (see appendix for definition) strategy that finds permanent housing for people as a first step towards making a better future.</p> <p>2. Only 21% of individuals over 25 within the target area have a degree beyond high school. Ten percent of individuals have less than a 9th grade education. Our target area also contains immigrants with advanced degrees, experience, and credentials which are not considered valid in the United States, as well as asylum seekers currently awaiting approval to work.</p> <p>3. The poverty rate for the City of Lewiston is 15.3%. In the target area, this is significantly higher, particularly for children. One third of children under 18 in Lewiston live in poverty. In the target area, over half of children under 18 live in poverty; Census Tracts 201 and 204 have under 18 poverty rates of over 70%.</p> <p>4. Twenty percent of Lewiston residents have a disability; in the CDBG Target Area (CT 201, 202, 203, 204) that number increases to 58%, with the largest percentage of those experiencing a cognitive or ambulatory difficulty. The greatest number (46%) of housing discrimination complaints in Maine are based on disability.</p> <p>5. Cost burden is by far the most severe housing burden faced in Lewiston. Over one quarter (27%) of owners pay more than 30% of household income(HHI) to housing expenses, while 45% of renters pay more than 30% of income to housing expenses. Within the target area, 85% of units are renter occupied. Of renter occupied units in the downtown, 63% are cost burdened, paying over 30% of HHI to housing expenses. Of renter occupied units in the downtown, 63% are cost burdened. Forty-three percent are severely cost burdened, paying over 50% of their expenses to housing costs.</p> <p>6. Lewiston is home to more than 6000 immigrants and asylum seekers.</p>
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**City of Lewiston
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2	Priority Need Name	Safe and Affordable Housing	
	Priority Level	High	
	Population	Children (17 and under) Young Adults (ages 18-24) Adults (ages 25-61) Elderly (age 62+) Veterans Incomes Persons living with HIV	Families with Children Persons with Disabilities Victims of Domestic Violence Persons Experiencing Homelessness Persons with Low/Extremely Low
	Geographic Areas Affected	Census Tracts 201, 202, 203, 204 City-wide	
	Associated Goals	Increase, maintain, and improve the supply of safe and affordable housing for individuals and families with extremely low to moderate incomes.	
	Description	<p>The following strategies will focus our funding priorities to the greatest community need. Some strategies align with other community plans including Legacy Lewiston (LL), Healthy Androscoggin’s Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement, the Choice Neighborhood Transformation Plan (CNTP).</p> <p>Increase the number of owner occupied properties. 5.1 (CNTP)</p> <p>Provide incentives for new homeowners to purchase 1-4 unit properties in the downtown Census Tracts of 201-204.</p> <p>Grow an inventory of safe, healthy, code compliant, and sustainable housing that provides housing choices for all. Goal 4 (CNTP)</p> <p>Remove lead and eliminate incidents of childhood lead poisoning. 1.2 (CNTP)</p>	

**City of Lewiston
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<p>Basis for Relative Priority</p>	<p>1. Within the target area, 85% of units are renter occupied. The Choice Neighborhood Transformation Plan (CNTP) identified that residents would like paths to ownership. Approximately half of land use in the target area contains 1 to 3 unit structures, creating viable opportunity for residents, with support, to invest within the community.</p> <p>2. Lead is a significant issue for families in Lewiston. The CNTP identified “Lead-free by 2043” as the number one goal and desire of the Choice Neighborhood, which encompasses three of the CDBG Target Area census tracts. Lewiston has 16,063 total housing units. Of these, 3,916 were built pre-1940 and 6,823 were built pre-1978. Within the target area, 93% of units were built pre-1980. The age of the housing stock, along with poor maintenance, significantly increases the likelihood that units contain lead hazards. Lewiston’s percentage of children diagnosed with elevated blood levels is 6.3%, more than twice the state percentage.</p> <p>3. With a rental vacancy rate of 3.6% and a home ownership vacancy rate of 0.5%, Lewiston is in need of increased housing opportunities. A number of vacant units exist in the upper floors of mixed-use buildings in the downtown commercial core. Vacant lots comprise 9% of the downtown land use, creating opportunities for infill projects of many types, including townhouses, duplexes, and triple decker structures.</p> <p>4. Only 35% of downtown buildings received a good or excellent rating in the Choice Neighborhood Transformation Plan’s Internal and External Building Condition assessment. The assessment was based on observational data as well as code violation and lead abatement data. Over one quarter of the buildings received a distressed or failing rating.</p> <p>5. Homelessness is a pervasive issue in Lewiston. Lewiston General Assistance has identified 169 persons experiencing homelessness, of whom 26% identify as chronically homeless. Lewiston Police Department has identified an additional 62 persons who had contact with law enforcement between January and October of 2019. These numbers only include adults experiencing homelessness. It is estimated there are 200 youth experiencing homelessness in Lewiston. Preventing homelessness requires helping the individuals and families to find new permanent housing. Without a stable address, it is impossible for people to get to work regularly, to stay healthy, or to plan for the future. This is why the Lewiston Auburn Alliance for Homeless Services (LAASH) calls for a “housing first” strategy that finds permanent housing for people as a first step towards making a better future. A number of groups have been identified as hard-to-house including, but not limited to, persons in re-entry from jail, persons in recovery or currently addicted, and persons listed on the sex offender registry.</p>
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**City of Lewiston
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3	Priority Need Name	Economic Development														
	Priority Level	High														
	Population	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Children (17 and under)</td> <td style="width: 50%;">Families with Children</td> </tr> <tr> <td>Young Adults (ages 18-24)</td> <td>Persons with Disabilities</td> </tr> <tr> <td>Adults (ages 25-61)</td> <td>Victims of Domestic Violence</td> </tr> <tr> <td>Elderly (age 62+)</td> <td>Persons Experiencing Homelessness</td> </tr> <tr> <td>Veterans</td> <td>Persons with Low/Extremely Low</td> </tr> <tr> <td>Incomes</td> <td></td> </tr> <tr> <td>Persons living with HIV</td> <td></td> </tr> </table>	Children (17 and under)	Families with Children	Young Adults (ages 18-24)	Persons with Disabilities	Adults (ages 25-61)	Victims of Domestic Violence	Elderly (age 62+)	Persons Experiencing Homelessness	Veterans	Persons with Low/Extremely Low	Incomes		Persons living with HIV	
Children (17 and under)	Families with Children															
Young Adults (ages 18-24)	Persons with Disabilities															
Adults (ages 25-61)	Victims of Domestic Violence															
Elderly (age 62+)	Persons Experiencing Homelessness															
Veterans	Persons with Low/Extremely Low															
Incomes																
Persons living with HIV																
	Geographic Areas Affected	Census Tracts 201, 202, 203, 204 City-wide														
	Associated Goals	Create economic opportunities for individuals and families with low-moderate incomes.														
	Description	<p>The following strategies will focus our funding priorities to the greatest community need. Some strategies align with other community plans including Legacy Lewiston (LL) and the Choice Neighborhood Transformation Plan (CNTP).</p> <p>Grow pathways to thrive and economic mobility for all. Goal 9 (CNTP) (build businesses to create new jobs, support small businesses startups and entrepreneurs, provide workforce training and education support, expand daycare services)</p> <p>Leverage CDBG funding to support redevelopment of Brownfield Sites.</p> <p>Invest in various types of commercial properties to reduce blight, support historic preservation, and partner with housing programs to create residential units on upper floors of mixed-use properties. Include broadband in building rehabilitation. (CNTP and LL)</p>														

**City of Lewiston
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Basis for Relative Priority	<p>1. Lack of access to childcare, insufficient transportation options, and lack of job opportunities were identified in the CDBG Consolidated Plan Survey as the most significant barriers to economic opportunity for Lewiston residents. By focusing outreach and financial support on businesses and entrepreneurs who plan to meet these needs, we can fill community gaps and provide economic opportunity through job creation.</p> <p>2. The City recently received \$500,000 in EPA Brownfield Clean Up dollars, specifically to be used for the clean-up of Bates Weave Shed (Mill #5). The City of Lewiston acquired the Bates Mill Complex for non-payment of taxes by the Bates Manufacturing Company in 1997. Since taking ownership of the complex, the city has received more than \$2.6 million in EPA Brownfield Clean up dollars. By partnering the EPA grants with CDBG funds and private investment, the buildings have been redeveloped for office, restaurant, and residential uses. The total real and personal property valuation in the complex generates over one million in annual property tax revenue (\$1,038,994). More than 1000 people work in the complex. Bates Mill #5 is the last of the buildings to be redeveloped.</p> <p>3. With a rental vacancy rate of 3.6% and a home ownership vacancy rate of 0.5%, Lewiston is in need of increased housing opportunities. A number of vacant units exist in the upper floors of mixed-use buildings in the downtown commercial core. By investing in mixed-use buildings with CDBG funds, both economic and housing opportunities can be created, allowing residents to live closer to where they work.</p>															
4	Priority Need Name	Public Facilities and Infrastructure														
	Priority Level	Low														
	Population	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Children (17 and under)</td> <td style="width: 50%;">Families with Children</td> </tr> <tr> <td>Young Adults (ages 18-24)</td> <td>Persons with Disabilities</td> </tr> <tr> <td>Adults (ages 25-61)</td> <td>Victims of Domestic Violence</td> </tr> <tr> <td>Elderly (age 62+)</td> <td>Persons Experiencing Homelessness</td> </tr> <tr> <td>Veterans</td> <td>Persons with Low/Extremely Low</td> </tr> <tr> <td>Incomes</td> <td></td> </tr> <tr> <td>Persons living with HIV</td> <td></td> </tr> </table>	Children (17 and under)	Families with Children	Young Adults (ages 18-24)	Persons with Disabilities	Adults (ages 25-61)	Victims of Domestic Violence	Elderly (age 62+)	Persons Experiencing Homelessness	Veterans	Persons with Low/Extremely Low	Incomes		Persons living with HIV	
Children (17 and under)	Families with Children															
Young Adults (ages 18-24)	Persons with Disabilities															
Adults (ages 25-61)	Victims of Domestic Violence															
Elderly (age 62+)	Persons Experiencing Homelessness															
Veterans	Persons with Low/Extremely Low															
Incomes																
Persons living with HIV																

**City of Lewiston
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Geographic Areas Affected	Census Tracts 201, 202, 203, 204 City-wide
Associated Goals	Preserve and improve public facilities and infrastructure that serve low to moderate-income neighborhoods or special needs residents.
Description	<p>The following strategies will focus our funding priorities to the greatest community need. Some strategies align with other community plans including Legacy Lewiston (LL), Healthy Androscoggin’s Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement, and the Choice Neighborhood Transformation Plan (CNTP).</p> <p>Provide safe, warm and welcoming spaces in all seasons for those experiencing homelessness 6.3 (CNTP)</p> <p>Improve key connections to, from, and within the neighborhood to other city assets 2.3d (CNTP) (sidewalks, park improvements, buses, signage)</p> <p>Expand public access to broadband (CNTP and LL)</p> <p>Provide construction funding for public facilities that serve at least 51% low-moderate income or special needs persons.</p>

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Basis for Relative Priority	<p>1. Insufficient public transportation, inaccessible or missing sidewalks, and park safety were identified in the CDBG Consolidated Plan Survey as the most significant infrastructure barriers for Lewiston residents.</p> <p>2. Twenty percent of Lewiston residents have a disability; in the CDBG Target Area (CT 201, 202, 203, 204) that number increases to 58%, with a significant percentage experiencing a cognitive or ambulatory difficult. Many of the persons with ambulatory difficulties are unable to use the sidewalks, particularly in the winter, to access basic needs such as food and health care. The Lewiston Public School system bussing policy states that children in grades K-6 who live within one mile of their school are expected to walk. That increases to 1.25 miles for high school students. Several of the major routes to these schools lack sidewalks.</p> <p>3. Seventy-five percent of households in Lewiston have a broadband subscription. Within the target area, only CT 202 has a higher percentage of households with a broadband subscription than the City as a whole. In census tract 201, less than half of the households have access to broadband.</p> <p>4. A large number of low-barrier jobs are available outside of the downtown. The bus routes are not sufficient to meet this need, particularly for those who work weekends or 2nd and 3rd shifts.</p> <p>5. Homelessness is a pervasive issue in Lewiston. Lewiston General Assistance has identified 169 persons experiencing homelessness, of whom 26% identify as chronically homeless. Lewiston Police Department has identified an additional 62 persons who had contact with law enforcement between January and October of 2019. These numbers only include adults experiencing homelessness. It is estimated there are 200 youth experiencing homelessness in Lewiston. Preventing homelessness requires helping the individuals and families to find new permanent housing. Without a stable address, it is impossible for people to get to work regularly, to stay healthy, or to plan for the future. This is why the Lewiston Auburn Alliance for Homeless Services (LAASH) calls for a “housing first” strategy that finds permanent housing for people as a first step towards making a better future. A number of groups have been identified as hard-to-house including, but not limited to, persons in re-entry, persons in recovery or currently addicted, and persons listed on the sex offender registry.</p>
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IV. Anticipated Resources – 91.420(b), 91.215 (a)(4), 91.220(c)(1,2)

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected amount Available Remainder Con Plan	Narrative Description
			Annual Allocation \$	Program Income \$	Prior Year Resources \$	Total \$		
CDBG	Federal	Admin & Planning Housing Public Services Public Infrastructure & facilities Economic Development	\$915,413	\$175,556	\$89,182	\$1,180,151	Estimated \$3.56 M	Includes Entitlement, Expected Program Income, and Carryover from prior year
CDBG-CV	Federal	Admin & Planning Expanded Public Services including an Emergency Income Payment Program to help with rent/mortgages and utilities Economic Development			\$538,518	\$538,518		In April 2020 the City received \$538,518 in Covid-19 Funding to carryout activities to assist Lewiston residents affected by the pandemic. This funding will be spent by 06/30/2021.
Other	Revolving Loan Fund (RLF)	Housing and Economic Development Grants & Loans		Expected Program Income \$175,556	Estimated \$726,917	Estimated \$902,473	Estimated \$1M	RLF recapitalized by return of principal from loans \$175,000 of the loan payments will be recorded as Program Income to provide

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		public facilities	
Lewiston Housing Authority	PHA	Public Housing Rental non-profit developer	Jurisdiction
MAINE STATE HOUSING AUTHORITY	PHA	Public Housing Rental	State
COMMUNITY CONCEPTS, INC.	Non-profit organization CAP Agency	Ownership Rental non homeless services	Lewiston-Auburn
COASTAL ENTERPRISES, INC.	Developer	Ownership Rental	Jurisdiction
Androscoggin Valley Council of Governments	Regional organization	Non-homeless special needs	Region
Raise Op Housing Cooperative	Non-profit Housing Developer	Ownership	Jurisdiction
Lewiston Auburn Alliance for Services to the Homeless	Other	Homelessness	Lewiston-Auburn
Social Agencies	Non-profit organizations	Public services Homeless special needs	Lewiston-Auburn
Maine Continuum of Care c/o MSHA	Other	Homeless	State
DHHS-CDC	Government	Assessment and identification of children with eblls	State
Maine Department of Labor	Government	Services, Education, Employment Disabilities	State
Community Clinical Services	Non-profit Health organizations	Non-homeless, homeless special needs	Jurisdiction
Western Maine Community Action	CAP Agency –Other Governmental	Transportation	Lewiston-Auburn
Healthy Neighborhoods	Grass Root	Services, non- homeless special needs, planning food access	Lewiston
Broadband Providers,	For-profit, Non-profit	Services, education, non-	Lewiston

**City of Lewiston
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Communications Organizations		homeless special needs, planning	
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B. Assess Strengths and Gaps in the Institutional Delivery System

The delivery system is well-coordinated and organized. The organizations listed above as well as many other non-profit, governmental and quasi-governmental agencies work together to provide a comprehensive array of services in the City. The City and the non-profits work closely together to foster collaboration and improve the existing services. Unfortunately these services are not sufficient in addressing the amount of need in the community, especially the growing population of homeless individuals and families. There is a shortage of services, such as emergency housing, due to the lack of funding. There is no public shelter located in Lewiston-Auburn that receives funding from the State of Maine Continuum of Care. There has been a decline in funding available due to cuts to the City, Counties and State. Additionally, there is an increase in administrative burden to meet public and private sector requirements. The following section will provide more detail on the strengths and gaps in the delivery system and ways in which the community intends to address these gaps.

C. Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	
Legal Assistance	X	X	
Mortgage Assistance			
Rental Assistance	X	X	
Utilities Assistance			
Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Street Outreach Services			
Law Enforcement	X	X	
Mobile clinics			
Other Street Outreach Services	X	X	
Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Supportive Services			
Alcohol & Drug Use	X	X	
Child Care	X	X	
Education	X	X	

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Employment and Employment Training	X	X	
Healthcare	X	X	
HIV/AIDS			
Mental Health Counseling	X	X	
Transportation	X	X	
Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Other			
Other			
Navigator Services		X	

D. Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

The Lewiston Auburn Alliance for Services to the Homeless (LAASH) works to improve access to services and housing for persons who are homeless or at risk, shares information and strengthens cooperation among local agencies and homeless providers, identifies gaps in services, increases public awareness about homeless issues, and seeks funding to service the homeless and at-risk. On June 5, 2019, a convening of homeless persons, advocates, service providers, policy makers identified a lack of centralized services as a barrier toward serving persons experiencing homelessness or those at risk of homelessness.

E. Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

The Lewiston Auburn 10 Year Plan to End Homelessness identified difficulty locating assistance and navigating services (including for health, mental health, employment, and housing) as a problem for homeless persons, particularly for families and domestic violence survivors.

Homeless service providers describe the challenge of keeping people housed, and the need for case management to help with jobs, budgets and basic needs. For persons without a mental health or disability diagnosis, supportive services can be difficult to access unless there is a crisis.

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On June 5, 2019, a convening of homeless persons, advocates, service providers, policy makers identified a lack of centralized services as a barrier toward serving persons experiencing homelessness or those at risk of homelessness.

F. Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

Preventing homelessness requires more than additional shelter beds. It requires help for people to get their lives together and to connect with jobs, as is described in the recommendations with regard to poverty above. It also requires helping the individuals and families to find new permanent housing. Without a stable address, it is impossible for people to get to work regularly, stay healthy, or

plan for the future. This is why the Lewiston Auburn Alliance for Homeless Services (LAASH) calls for a “housing first” strategy that finds permanent housing for people as a first step towards making a better future. Additionally, LAASH called for the creation of a warming center to serve as a hub for resource provision and services.

VI. Goals – 91.415, 91.215(a)(4)

A. Goal Summary Information

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
	Provide Essential Services Fair Housing	2020	2024	Non-Housing Community Development	Census Tracts 201, 202, 203, and 204, and Citywide	Public Services	CDBG	Public services activities other than L/M Housing Benefit: 2,500 persons assisted Homelessness Prevention 1,000 persons assisted Public services activities for L/M Income Housing Benefit 50 households assisted Tenant Based Rental Assistance (Emergency) 10 Households assisted Fair housing outreach & education for renters and owners 500 persons
		2020	2024		City-wide	Expanded Public Services	CDBG-CV	Emergency Income Payment Program 110 Households with Rent/Mortgage/Utility Assistance Other Expanded Services – 500 households
	Increase, Maintain & Improve Affordable Housing	2020	2024	Affordable Housing	Census Tracts 201, 202, 203, and 204, and Citywide	Affordable Housing	CDBG & RLF	Rental Housing Rehabilitated 300 units Owner housing Rehabilitated 250 units Direct assistance to Homebuyers 5 households assisted Dilapidated/derelict housing demolished 2 buildings Housing Code enforcement 250 Housing Units

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Create Economic Opportunities	2020	2024	Economic Development Slum Blight LMI-Jobs; LMI-Clientele	Census Tracts 201, 202, 203, and 204, and Citywide	Economic Development Non-housing	CDBG	Jobs Created or Retained 5 jobs Façade treatment/commercial building rehab 5 businesses assisted 10 Brownfield remediated 5 acres remediated
	2020	2021	LMI-Jobs; LMI-Clientele	City-wide	Non-housing	CDBG-CV	Create or Retain LMI Jobs – 15 Business Assistance-20 businesses
Public Facilities and Infrastructure	2020	2024	Public facilities and infrastructure improvements	Census Tracts 201, 202, 203, and 204, and Citywide	Public Facilities Improvements	CDBG	Public Facility for L/M Housing Benefit 10 households assisted Public facility other than L/M Housing Benefit 500 persons assisted Infrastructure improvement projects – 8 projects

B. Goal Descriptions

Goal 1: Provide essential public services to improve quality of life for individuals and families with low-moderate incomes, including special needs populations and those experiencing homelessness or at risk of becoming homeless.

- Grow an environment that supports health and wellness among community members. **Goal 6** (including, access to health services, centralize resources for homeless in a one-stop shop quality and nutritious food, expand navigation services to persons that at-risk of becoming homeless)
- Expand gap funding for flexible low barrier loans/grants to support emergency needs in coordination with current community initiatives. (including utility and security deposit)
- Grow individual education outcomes. **Goal 8** (English language learning, early childhood, peer to peer education, job skills)
- Encourage agencies to coordinate services for persons experiencing homelessness.

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- Address barriers to safe, decent, affordable housing. (tenant education, landlord meetings)
- Support distribution of materials on affordable housing and fair housing at conferences, workshops, and other public venues.

Goal Outcomes/Indicators:

- **Public Services other than Low/Moderate Income housing benefit - 2,500 persons assisted**
- **Homeless Prevention – 1,000 persons assisted**
- **Homeless Prevention –110 persons assisted (Emergency Income Payment Program)**
- **Public Services for Low/Moderate Income Housing Benefit – 50 households assisted**
- **Expanded Public Services other than Low/Moderate Income housing benefit - 500**
- **Tenant Based Rental Assistance (Emergency gap funding) – 10 households assisted**
- **Fair housing outreach and education for renters and owners – 500 persons assisted**

Goal 2: Increase, maintain, and improve the supply of safe and affordable housing for individuals and families with extremely low to moderate incomes.

- Grow an inventory of safe, healthy, code compliant, and sustainable housing that provides housing choices for all. **Goal 4**
- Increase the number of owner occupied properties. **5.1**
- Remove lead and eliminate incidents of childhood lead poisoning. **1.2**

Goal Outcomes/Indicators:

- **Rental housing rehabilitated (includes lead hazard control)– 300 housing units**
- **Owner housing rehabilitated (includes lead hazard control and weatherization) – 250 housing units**
- **Direct assistance to homebuyers – 5 households assisted**
- **Dilapidated/derelict housing demolished – 2 buildings demolished**
- **Code enforcement with rehab – 250 housing units**

Goal 3: Create economic opportunities for individuals and families with low-moderate incomes.

- Grow pathways to thrive and economic mobility for all. **Goal 9** (build businesses to create new jobs, support small businesses startups and entrepreneurs, provide workforce training and education support, expand daycare services)

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- Leverage CDBG funding to support redevelopment of Brownfield Sites.
- Invest in various types of commercial properties to reduce blight and partner with housing programs to create residential units on upper floors of mixed-use properties.

Goal Outcomes/Indicators:

- **Jobs created or retained – 5 jobs**
- **Jobs created or retained – 15 jobs**
- **Business assistance through special economic development programs -20 businesses**
- **Façade treatment/commercial rehabilitation – 5 businesses assisted**
- **Brownfields remediated – 5 acres remediated**

Goal 4: Preserve and improve public facilities and infrastructure that serve low to moderate-income neighborhoods or special needs residents.

- Provide safe, warm and welcoming spaces in all seasons for those experiencing homelessness **6.3**
- Improve key connections to, from, and within the neighborhood to other city assets **2.3d** (sidewalks, park improvements, buses, signage)
- Expand public access to broadband (**comp plan & choice**)
- Provide construction funding for public facilities that serve at least 51% low to moderate income or special needs persons.

Goal Outcomes/Indicators:

- **Public facility for L/M Housing benefit – 10 households assisted**
- **Public facility other than L/M housing benefit –500 persons assisted**
- **Infrastructure improvement – 8 projects assisted**

C. Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

The City of Lewiston intends to serve 3,500 households. Based on past experience certain programs serve residents who are considered to be extremely low income while

City of Lewiston
2020-2024 DRAFT Consolidated Plan

other programs and services lend themselves to persons in the higher income category. Based on this information and knowledge of the program participants, the City anticipates the following:

Extremely low income households expected to be served: 1,400 or 40%

Low income households expected to be served: 1,225 or 35%

Moderate income households expected to be served: 875 or 25%

VII. Lead-based Paint Hazards - 91.415, 91.215(i)

A. Actions to address LBP hazards and increase access to housing without LBP hazards

Old housing has a greater likelihood of having lead paint. Lead poisoning is the leading health risk for children in Lewiston. Lewiston has 16,063 total housing units. Of these, 3,916 were built pre-1940 and 6,823 were built pre-1978. Within the target area, 93% of units were built pre-1980. The age of the housing stock, along with poor maintenance, significantly increases the likelihood that units contain lead hazards. Lewiston's percentage of children diagnosed with elevated blood levels is 6.3%, more than twice the state percentage. The City received a \$5.2 million (\$600,000 is Healthy Homes) Lead Hazard Control and Healthy Home grant which will require a local lead grant match into each unit from CDBG estimated at \$122,750 annually. The actual level of CDBG match required may vary as the grant funds are disbursed and the count of units made lead safe and healthy in Lewiston are known.

B. How are the actions listed above integrated into housing policies and procedures?

The past lead grant practice created units that were considered lead-safe by encapsulating or scraping and painting affected areas. The lead remained in the unit, creating a risk of exposure if the surface was disturbed. Going forward, within the target area, efforts will be made to, as much as is reasonable, incorporate lead-free rehabilitation into lead abatement properties. Beginning in July 2020, all children ages one and two will be screened for elevated blood levels. This may help identify areas of concern, allowing the unit to be remediated before a child reaches blood levels at which the child would be considered poisoned. In order to meet this increased need, the City will provide RRP training, State Lead Worker Certification, and Worker Protection to contractors and Section 3 residents living in Lewiston to build contractor capacity. Additionally, efforts will be made to replace old, deteriorating housing stock with lead-free, modern housing stock on currently vacant lots.

City of Lewiston
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Anti-Poverty Strategy - 91.415, 91.215(j)

A. Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

In Lewiston, 15% of families live under the poverty limit. In the CDBG target area, this percentage ranges from 28% to 47%. For children under age 18, these percentages increase significantly: 33% city-wide, 53%-76% in the CDBG Target Area. Within the CDBG Target Area, between 21% and 37% of seniors (age 65+) live in poverty compared to 12% of seniors city-wide. Census Tracts 201 and 204 are recognized as having some of the highest concentrations in Maine of minority populations living in poverty. Within the CDBG Target Area, 100% of American Indian families live in poverty. Census Tracts 201, 203, and 204 each have over 85% of people who identify as two or more races living in poverty. In Census tract 201, 100% of Hispanic/Latino families live in poverty, while in 203 90% live in poverty. Census tract 202 does not have a significant number of non-white individuals except those which identify as two or more races, 62.8% of whom live in poverty. The following goals, programs, policies, and strategies will focus our funding priorities to the greatest community need. Some strategies align with other community plans including Legacy Lewiston (LL) and the Choice Neighborhood Transformation Plan (CNTP).

Goal: Provide essential public services to improve quality of life for individuals and families with low-moderate incomes, including special needs populations and those experiencing homelessness or at risk of becoming homeless.

By supporting the educational and job training efforts in our community, we will assist families with low-incomes in gaining skills and knowledge that can increase their economic well-being.

- Grow an environment that supports health and wellness among community members. **Goal 6, CNTP** (including, access to health services, centralize resources for homeless in a one-stop shop, provide quality and nutritious food, expand navigation services to persons that are at-risk of becoming homeless)
- Expand gap funding for flexible low barrier loans/grants to support emergency needs in coordination with current community initiatives. (including utility and security deposit)
- Grow individual education outcomes. **Goal 8, CNTP** (English language learning, early childhood, peer to peer education, job skills)
- Encourage agencies to coordinate services for persons experiencing homelessness. **(LL)**

City of Lewiston
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Goal: Create economic opportunities for individuals and families with low-moderate incomes.

Lack of access to childcare, insufficient transportation options, and lack of job opportunities were identified in the CDBG Consolidated Plan Survey as the most significant barriers to economic opportunity for Lewiston residents. By focusing outreach and financial support on businesses and entrepreneurs who plan to meet these needs, we can fill community gaps and provide economic opportunity through job creation. The City's Microenterprise program will help individuals to gain capacity, skills, and materials to start or grow a business that creates jobs for people with low-incomes. We will specifically target our outreach strategies toward individuals who may want to start a business that will address a childcare or transportation need, or will start a business that will employ individuals with low incomes.

B. How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

The City will partner with Lewiston Housing Authority to provide information about job training opportunities, available services, and the microenterprise program to public housing residents. The City will also partner with neighborhood organizations including, but not limited to, Healthy Androscoggin, Community Concepts, Community Credit Union, and Healthy Neighborhoods to reach out to current Target Area residents about funds available to help with housing rehabilitation, rental assistance, and homeownership assistance.

VIII. Monitoring – 91.230

A. Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The Director, Community Development Coordinator, and the Grants Accountant monitor the activities funded under the Consolidated Plan as follows:

- A Sub-recipient Agreement is executed with all entities approved for funding. The agreement is in compliance with 2CFR and includes all applicable regulations.
- During the pre-application phase, training sessions are mandatory and include the requirements of the program, frequency of reporting, outcome measures, and other requirements as applicable.
- A desk audit is performed by the Grants Accountant at each draw to make sure that the supporting documents are submitted with the draw. The Community Development

City of Lewiston
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Coordinator reviews each report to make sure that income and race and ethnicity data is provided.

- The Administrative Assistant documents insurance and continued residency data on an annual basis.
- At least quarterly activities are reviewed to ensure compliance and that the reporting reflects the goals and objectives of the Con Plan.
- At least quarterly, City staff run periodic performance reports in IDIS to monitor funded activities.
- The Community Development Coordinator and Grants Accountant conduct periodic site visits for sub-recipients and contractors to ensure compliance. Each program identifies the frequency of the visit.

For CDBG activities conducted with other City Departments, an Interdepartmental Agreement is executed to delineate roles and responsibilities of each department. City staff follow a City adopted procurement policy that identifies the cross cutting regulations, minority business outreach, etc. On all bid procured activities, CDBG staff provide the HUD required language and wage rates for the bid package. The City maintains a log of names and addresses of contact persons in our Ethnic-based Community Organizations and state registered Women, Disabled, - and Minority Business Enterprises to make sure that they are included in the notifications from the City. The City is in the process of updating its Section 3 policies and procedures and have hired a consultant to help create HUD compliant policies and procedures.

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT: Resolve, Accepting and Appropriating Community Development Block Grant CARES Act Funding.

INFORMATION:

The City of Lewiston is receiving \$513,518 dollars in additional Community Development Block Grant Funds as a result of the federal CARES act designed to address the economic and social consequences of the current COVID 19 pandemic. A budget for these funds must be approved by the Council prior expending them.

These funds will be used for a variety of purposes to assist those impacted negatively by the COVID 19 virus, including for housing assistance, support for business employment, and additional funding for organizations that provide services and programming to those negatively affected. These programs have previously been reviewed with the Council in workshop,.

Note that these funds, as with all other CDBG funds, must primarily be used to assist low and moderate income families in our community.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

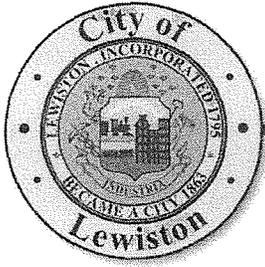
The City Administrator recommends approval of the requested action.

Erin M. Allen

REQUESTED ACTION:

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To (1) hold a Public Hearing on and then (2) to approve the **Resolve**, Accepting and Appropriating Community Development Block Grant CARES Act Funding.



CITY OF LEWISTON, MAINE

May 5, 2020

COUNCIL RESOLVE

Resolve, Accepting and Appropriating Community Development Block Grant CARES Act Funding.

Whereas, the City has received an additional allocation of \$538,518 in CDBG funding from the federal government to be used to address the negative impacts of the COVID 19 pandemic on our low and moderate income residents; and

Whereas, staff has consulted with businesses and individuals in the community and developed a proposed allocation for these funds designed to assist low and moderate income residents remain in their homes, support for businesses to assist in their employment, and financial support to agencies and organizations that provide assistance to individuals negatively impacted by this health emergency; and

Whereas, the City Council must approve the use of these funds for them to become available;

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

Community Development Block Grant CARES Act funding is hereby accepted and these funds are appropriated and allocated in accordance with the attached budget.

LEWISTON CDBG-CV BUDGET			
	TOTAL CDBG-CV COVID BUDGET	CDBG 2019 budget(includes PI, Entitlement, RLF)	DRAFT CDBG 2020 Budget (includes PI, Entitlement, RLF)
<u>PROGRAM ADMINISTRATION</u>			
General Administration	\$50,000	\$178,707	\$183,083
Subtotal	\$50,000		\$183,083
<u>CARES EMERGENCY INCOME PAYMENT PROGRAM</u>			
RENT/MORTGAGE OR UTILITY ASSISTANCE	\$247,830		
Subtotal	\$247,830		\$0
<u>PROVIDE ESSENTIAL SERVICES</u>			
INCREASE SOCIAL SERVICES ABOVE THE 15% CAP TO ADDRESS EMERGENCY NEEDS	\$105,688		
Social Services Department	\$55,000	\$51,654	
Subtotal	\$160,688		\$0
<u>CREATE ECONOMIC OPPORTUNITES</u>			
MICROENTERPRISE GRANTS	\$30,000	\$0	\$125,000
MICROENTERPRISE LOANS			\$100,000
ECONOMIC DEVELOPMENT GRANTS	\$50,000	\$0	\$175,000
ECONOMIC DEVELOPMENT LOANS			\$352,473
ECONOMIC DEVELOPMENT REHABILITATION - LOANS	(as part of ED and Micro Loan funding)		
Brownfields		\$60,000	\$40,000
Subtotal	\$80,000		\$792,473
TOTAL BUDGET	\$538,518		\$975,556
CARES Act Allocation			

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT: Resolve, Approving and Adopting the 2020-2024 Analysis of Impediments to Fair Housing Plan.

INFORMATION:

The City is a member of the Auburn-Lewiston HOME Consortium Partnership. As a member of the Consortium, the City receives an annual allocation of HOME funds which the City uses to help increase the number of families with decent, safe, sanitary and affordable housing. Historically, the City has used HOME funds to increase the number of low/moderate income homeowners, fund programs to help low/moderate income households improve the safety and quality of their housing, fund a grant program that provides security deposits to people who are homeless or at risk of homelessness, and to help fund the construction of new affordable housing projects such as the Hartley Block.

As a member of the consortium, the city is required, every five years, to conduct an Analysis of the Impediments to Fair Housing which evaluates and outlines barriers to fair housing choice within the community and strategies for affirmatively furthering fair housing.

A summary of the Analysis of Impediments to Fair Housing is attached. The City Council is asked to approve and adopt the plan.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

ERB/kmm

REQUESTED ACTION:

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To (1) hold a Public Hearing on and then (2) to approve the **Resolve**, Approving and Adopting the 2020-2024 Analysis of Impediments to Fair Housing Plan.



CITY OF LEWISTON, MAINE

May 5, 2020

COUNCIL RESOLVE

Resolve, Approving and Adopting the 2020-2024 Analysis of Impediments to Fair Housing Plan.

Whereas, the City is a member of the Auburn-Lewiston HOME Consortium Partnership through which the City receives an annual allocation of HOME funds which are used to help increase the number of families with decent, safe, sanitary, and affordable housing; and

Whereas, as a member of the consortium, the city is required, every five years, to conduct an Analysis of the Impediments to Fair Housing that evaluates and outlines barriers to fair housing choice within the community and strategies for affirmatively furthering fair housing; and

Whereas, the required five year plan has recently been completed and is ready to be adopted;

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

The attached 2020-2024 Analysis of Impediments to Fair Housing Plan is hereby approved and adopted.

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING

Executive Summary

Lewiston

The Analysis of Impediments to Fair Housing was conducted by the City of Lewiston Economic and Community Development Department through a series of interviews, group discussions, and analysis of community engagement efforts. The City of Lewiston recently partnered with Community Concepts to create the Choice Neighborhood Transformation Plan, funded by a Choice Neighborhood Planning and Action Grant through the Department of Housing and Urban Development. This intensive, year-long process engaged a diverse group of residents within the Choice Neighborhood (census tracts 201, 203, and 204) to identify housing needs and gaps within the community. The qualitative and quantitative information gained through this process was used to inform the issues and strategies listed in the 2020-2024 Analysis of Impediments to Fair Housing.

Other participants who contributed to the Analysis of Impediments include:

Lewiston Housing Authority
Lewiston Code and Planning Department
Healthy Androscoggin
Lewiston-Auburn Alliance for the Homeless
Tedford Housing
Healthy Neighborhoods
Rental Registry Committee
Housing Committee
Residents
Landlords

Summary of Recommendations

Lack of available housing choice remains an issue in Lewiston, particularly for seniors, large families, New Mainers, and individuals with disabilities. The City of Lewiston should conduct an evaluation of current zoning to identify ways in which more flexibility could be provided to fill these housing gaps. Additionally, identifying resources for landlords and tenants to make units lead-safe, healthy, and accessible would be helpful toward increasing the availability of quality units. Home ownership and owner-occupied rental units are elusive for low-income individuals and New Mainers. Exploring alternative mortgage opportunities, educating potential homebuyers about current opportunities, and providing resources for potential owner-occupants would help to increase the ownership within the downtown and help create greater stability for families. The City should also support infill housing on vacant lots, in partnership with developers, and recruit Community Based Development Organizations (CBDO) and Community Housing Development Organizations (CHDO) to have additional opportunities to support new housing development with the goal of filling gaps in the current housing stock.

Impediment	Strategies	Partners
Zoning Codes that restrict development by area	Conduct an evaluation of current zoning in order to create a form-based code that includes a simple set of architectural standards to allow for a wide variety of building types and housing options	City of Lewiston Planning and Code Department, Local Developers, Residents
Lack of smaller options for singles, seniors	Modify zoning to allow for accessory dwelling units	City of Lewiston Planning and Code Department
Barrier to safe housing choice for renters with prior records of substance abuse, sex offender, prison time, chronic homelessness, and mental health concerns.	Create regulations to increase safety and housing choice for people in recovery Educate landlords about fair housing as it relates to populations with specific needs. Identify housing advocates to help hard-to-house tenants navigate the rental system and provide support to landlords for up to 12 months of tenancy to ensure that housing is retained.	City of Lewiston Planning and Code Department, LAASH, Community Concepts, landlords, Veteran's Inc., Reentry Maine, St. Francis Recovery Center, State of Maine, Continuum of Care Navigator Program, and PATH Program.
Unhealthy and unsafe units in current housing stock	Create materials and outreach to educate tenants about lead hazards. Inform landlords of available programs to help them mitigate lead and healthy home risks within their properties. Create materials to educate tenants about green and healthy homes. Support new infill housing on vacant lots. Recruit CBDO and CHDO in order to provide additional new housing opportunities.	City of Lewiston Community Development, Landlords, Tenants, Healthy Androscoggin, Lewiston Lead Program, Lewiston Housing Authority, Community Concepts, affordable housing developers, Raise-Op
Lack of accessible financing for home ownership for Muslim community members	Identify obstacles to home ownership financing. Engage New Mainers and lending institutions to brainstorm solutions.	City of Lewiston Economic and Community Development, New Mainers, Community Credit Union, other lending institutions
Lack of accessible units for people with disabilities.	Educate landlords about resources available to help them make units ADA compliant.	City of Lewiston Community Development, Landlords
Lack of larger units for families	Explore rehabilitation options to provide larger units by combining smaller units.	Lewiston Housing Authority, local developers, City of Lewiston
Few opportunities for owner-occupancy within multi-family neighborhoods	Identify forms of assistance for low- to moderate-income potential homeowners. Educate potential owner-occupants about products available for first-time homebuyers of 1-4 unit structures.	City of Lewiston Community Development, Community Concepts, Maine Housing Authority,

	Inform potential owner-occupants about resources available for landlord education.	local lenders, local landlord organizations
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LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET: AGENDA ITEM NO. 8

SUBJECT:

Public Hearing and Adoption of the FY2021 Lewiston Capital Improvement Program Bond Issue Order.

INFORMATION:

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

The projects being bonded are in accordance with the Capital Improvement Program adopted by the City Council earlier this year and revisions based on discussions during budget deliberations or changes due to new information on the cost of the projects for funding. The total cost of the Bond Issue is \$11,040,000 and includes over 20 various projects and programs.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

E. B. Blum

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the FY2021 Lewiston Capital Improvement Program Bond Issue Order authorizing the issuance of \$11,040,000 in FY2021 Public Improvement Bonds and making an appropriation for certain capital projects.

LCIP Bond Issue Order

Order, Authorizing the Issuance of \$11,040,000 in FY2021 Public Improvement Bonds and Making an Appropriation for Certain Capital Projects.

ORDERED, That \$11,040,000 be appropriated for financing the following FY2021 projects in the Lewiston Capital Improvement Program:

PROJECT	AMOUNT
CITY:	
Snow Removal Equipment	175,000
Canal Ownership Projects	240,000
Riverfront Island Implementation	150,000
Oxford Street Parking Lot	160,000
BLDG. 6 - Police Building Expansion Project	280,000
Ladder 1 Refurbishment	250,000
BLDG. 9 - Entrance Security Upgrades	126,000
Sidewalk Maintenance & Rehabilitation	352,000
Street Maintenance Program	3,045,000
Hudson Bus Soccer Field	220,000
Dufresne Plaza Concrete Surface	247,000
	5,245,000
SCHOOL DEPARTMENT:	
McMahon School Parking Expansion	600,000
District Wide Security Camera Upgrade	300,000
	900,000
SEWER DIVISION:	
Rehabilitation of Old Sanitary Sewer Mains	1,100,000
Collection System Inspection & Rehabilitation	600,000
CSO Separation - Various Areas	175,000
	1,875,000
STORM WATER DIVISION:	
Culvert Replacement Program	110,000
CSO Separation - Various Areas	300,000
Storm Drain Inspection	385,000
CSO Storage at LAWPCA	125,000
	920,000
WATER DIVISION:	
Distribution Water Main Replacement/Rehabilitation	2,100,000
	2,100,000
Total	11,040,000

FURTHER ORDERED, That to meet this appropriation, \$11,040,000 shall be raised by Public Improvement Bond Issue(s);

FURTHER ORDERED, That the City Council instruct the Finance Director to advertise for bids for \$11,040,000 or increments thereof, Public Improvement Bonds; to award the loan; and to employ Locke Lord LLP to furnish the legal opinion for the same; provided that in the alternative,

the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

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

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

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

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

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Final Budget Public Hearing for the Fiscal Year 2021 Municipal Budget.

INFORMATION:

The City Council schedules and conducts two public hearings regarding the budget to receive citizen input. An initial public hearing is held earlier in the budget review process and a final public hearing is held at the end of the budget review process, prior to the final budget approval.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This public hearing is part of the budget process to receive citizen input.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a Final Budget Public Hearing to receive citizen input and communication regarding the proposed Fiscal Year 2021 Municipal Budget.

**Estimated General Fund
Municipal Property Tax Rate Calculation
2020 and 2021 as of April 23, 2020**

	FY 2020	FY 2021	\$ Change	% Change
City Expenses				
Operating Expenses	37,295,874	37,587,614	291,740	0.78%
County	2,881,017	2,985,175	104,158	3.62%
Debt Service	8,736,406	9,137,556	401,150	4.59%
Total City Expenses	48,913,297	49,710,345	797,048	1.63%
School Expenses				
Operating Expenses	78,547,700	80,977,038	2,429,338	3.09%
Debt Service	8,270,941	8,425,032	154,091	1.86%
Total School Expenses	86,818,641	89,402,070	2,583,429	2.98%
Total Expenses	135,731,938	139,112,415	3,380,477	2.49%
Less: Non- Tax Revenues				
City	13,450,533	11,992,137	(1,458,396)	-10.84%
Use of Fund Balance		1,650,000	1,650,000	
School	63,697,076	64,764,759	1,067,683	1.68%
Use of Fund Balance	1,766,686	3,943,339	2,176,653	
Total Non-Tax Revenues	78,914,295	82,350,235	3,435,940	4.35%
Proposed Tax Levy				
City	32,581,747	33,083,033	501,286	1.54%
School	21,354,879	20,693,972	(660,907)	-3.09%
County	2,881,017	2,985,175	104,158	3.62%
Overlay	420,000	420,000	-	0.00%
Total Tax Levy	57,237,643	57,182,180	(55,463)	-0.10%
Total Assessed Value (000's)	1,980,003	1,993,670	13,667	0.69%
Proposed Tax Rate				
City (Including Overlay)	16.67	16.80	0.13	0.76%
School	10.78	10.37	(0.41)	-3.76%
County	1.46	1.50	0.04	2.91%
Total Tax Rate	28.91	28.67	(0.24)	-0.82%
	28.91	28.67		
Total	1,911,756,560	1,921,756,560		
TIF Valuation Needed	74,622,854	74,622,854		
	1,837,133,706	1,847,133,706		
Homestead	65,760,569	65,531,644		
BETE Reimbursement	77,108,906	81,005,224		
	1,980,003,181	1,993,670,574		

DISPLAY AD

**CITY OF LEWISTON
FINAL BUDGET PUBLIC HEARING**

Notice is hereby given in accordance with Article VI, Section 6.07(a) of the City Charter of a Public Hearing on the Budget for Fiscal Year 2021.

**HEARING DATE: Tuesday May 5, 2020
TIME: 7:00pm
PROPOSED BUDGET - FISCAL YEAR 2021**

Due to the current public health pandemic, the session will be conducted remotely and members will only participate electronically. The meeting can be viewed live online at the City's website at <https://www.lewistonmaine.gov/2020cc> Any interested persons may provide public comment in advance or during the hearing by sending comments to publiccomment@lewistonmaine.gov or by calling 513-3017. The public will be given the opportunity to be heard before final action on the budget adoption. A copy of the proposed budget may be inspected on the City's website at www.lewistonmaine.gov The City of Lewiston is an EOE.

Kathleen M. Montejo, MMC
City Clerk

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LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT: Receiving the Finance Committee Recommendation Regarding the Proposed Fiscal Year 2021 Municipal Budget

INFORMATION:

By City Charter, the Finance Committee annually reviews the proposed municipal budget and forwards recommendations to the City Council. Their recommendation is attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Per City Charter, the Finance Committee shall issue their budget recommendation to the City Council.

EA3/16mm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To receive and review the recommendation of the Finance Committee regarding the proposed Fiscal Year 2021 Municipal Budget.



**City of Lewiston
Finance Committee
Denis Theriault, Chairman**

April 27, 2020

The Honorable Mark Cayer, Mayor
And Members of the City Council

Dear Mayor and Members of City Council:

The Finance Committee has agreed upon the following recommendation of the 2021 Municipal Budget, to be ratified at the May 4, 2020 meeting:

As required by Lewiston City Charter, the Finance Committee has reviewed the FY21 Lewiston Municipal Budget and we find the revised adjusted budget to be acceptable as presented.

We further understand that the current challenge of Covid19, could possibly change this budget at a moment's notice and the Finance Committee is prepared to help where it can.

At this time, we wish to caution any spending, that is non-essential, to be reduced until we see the full effect of the Covid19 virus on Lewiston's economy.

We wish to "Thank" and highlight a few areas for their contribution:

Thank you to Staff for their aid in this year's budget process and preparing the adjusted FY21 budget.

Thank you to the School Department staff for the noticeable budget decrease.

Thank you for the decision to hold flat on Water and Sewer increases for the coming year.

Thank you to Council and staff for holding at the 80% debt limit.

Thank you for your consideration of the Lewiston Finance Committee Review of the FY21 budget and accept this as the recommendation to the City Council.

Denis Theriault, Chairman
Finance Committee

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Resolve authorizing the use of \$1,593,068 from the General Fund Unassigned Fund Balance for Capital Outlay purchases and other one-time expenses, and \$1,650,000 to carryforward and balance the FY21 General Fund Operating Budget.

INFORMATION:

This agenda item is to approve the appropriation of the General Fund Unassigned Fund Balance for the purchase of capital needs and other one-time costs. The City Council wishes to minimize the tax rate increase needed to balance the fiscal year 2021 budget and therefore will utilize existing fund balance to cover some pending capital needs and specific expenses.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve authorizing the use of \$1,593,068 from the General Fund Unassigned Fund Balance for Capital Outlay purchases and other one-time expenses, and \$1,650,000 to carryforward and balance the FY21 General Fund Operating Budget.



**City of Lewiston Maine
City Council Resolve
May 5, 2020**



Resolve, Authorizing the Use of \$1,593,068 from the General Fund Unassigned Fund Balance for Capital Outlay Purchases and Other One-time Expenses, and \$1,650,000 to Carryforward and Balance the FY21 General Fund Operating Budget.

Whereas, the City of Lewiston adopted Ordinance 11-05 pertaining to Unassigned Fund Balance and effective on August 18, 2011; and

Whereas, the ordinance establishes an Unassigned Fund Balance floor of 8% and a ceiling of 12% of GAAP revenues including transfers in; and

Whereas, as of June 30, 2019, the City's General Fund Unassigned Fund Balance floor was \$10,965,362 and the ceiling was \$16,448,043, and the City's actual General Fund Unassigned Fund Balance was \$17,933,211, or 13.08%; and

Whereas, given the COVID-19 pandemic, there is great uncertainty on its economic impact, specifically on the City's revenue sources;

Whereas, the City Council wishes to forgo a tax rate increase needed to balance the fiscal year 2021 budget during this crisis;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that \$1,593,068 of unassigned fund balance is hereby appropriated to address the following capital needs; and the City Council waives the Fund Balance Policy and appropriates the use of \$1,650,000 as an operating carryforward to balance the FY21 General Fund operating budget.

Org.	Object	Division	Description	Amount
4161	426200	MIS	Maintenance & Licensing	16,230
4161	450500	MIS	Office Equipment	89,350
4213	451000	Patrol	Vehicles	129,750
4222	452500	Fire	Public Safety Equipment	16,260
4229	453000	Fire	Household Equipment	4,499
4229	458000	Fire	Buildings & Structures	23,700
4321	457000	Engineering	Other Betterments	6,000
4331	452500	Highway	Public Safety Equipment	15,768
4331	457003	Highway	Guardrails	5,552
4334	457000	Sidewalks	Sidewalks	15,000
4343	451000	Solid Waste	Vehicles	10,000
4343	457000	Solid Waste	Other Betterments	15,000
4351	427500	Open Spaces	Repairs to Building	35,800
4351	428836	Open Spaces	Downtown Maintenance	4,550

4351	457000	Open Spaces	Other Betterments	11,800
4361	458000	Hydro	Buildings & Structures	125,000
4381	451000	M. Garage	Vehicles	670,000
4381	452000	M. Garage	Equipment	36,400
4391	427500	PW Buildings	Repair to Buildings	22,579
4391	458000	PW Buildings	Buildings & Structures	7,830
4519	427500	Armory	Repairs to Building	10,000
4551	450500	Library	Office Equipment	13,895
4559	427500	Library	Repairs to Building	2,500
4559	458000	Library	Buildings & Structures	104,000
4811	449000	Airport	Airport	7,500
4941	417400	WC	Workers Comp	30,000
4991	450500	Misc.	Office Equipment	15,000
4191	427500	City Hall	Repairs to Building	29,105
4751	449000	Econ. Dev.	Fixed Charges	45,000
4113	428800	Marketing	Misc. Services	25,000
			Total	1,543,068
			FY21 Carryforward	1,650,000
4991	428800	Misc.	Passenger Rail Study	50,000
				3,243,068

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

11

SUBJECT: Resolve, Approving the Final Budget Adjustments to the Fiscal Year 2021
Municipal Budget

INFORMATION:

This resolve will enact the various budget modifications that the City Council has suggested throughout the City's annual budget process.

Should the Council wish to make further changes or adjust the proposed in the attached resolve, this should be done by amending this resolution. As a reminder, amending this resolve will require four votes. Adopting the final municipal budget, the next agenda item, will require five votes given that the proposed expenditure budget increase will exceed the Charter limit of the Gross National Product Implicit Price Deflator.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action and expresses his thanks and appreciation to the staff members who worked hard to develop an acceptable budget under difficult circumstances.

Eriskmm

REQUESTED ACTION:

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To approve the Resolve, Approving the Final Budget Adjustments to the Fiscal Year 2021
Municipal Budget



**City of Lewiston Maine
City Council Resolve
May 5, 2020**

RESOLVE, Approving the Final Adjustments to the Fiscal Year 2021 Municipal Budget

Whereas, in accordance with the Charter, the City Administrator presented his proposed Fiscal Year 2021 budget to the City Council on March 17, 2020; and

Whereas, since then, the City Council has received information and met on numerous occasions to review the various departmental budgets and to discuss changes to the Administrator’s proposal; and

Whereas, throughout this process, the City Council has shown support for certain changes and adjustments affecting both the general fund and utility funds expenditure budgets; and

Whereas, the overall goals of this effort were to maintain essential public services while reducing the impact of the budget on the taxpayers of the City of Lewiston; and

Whereas, the following summary represents the results of this effort;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the following Final Budget Adjustments Summary for Fiscal Year 2021, is hereby approved:

Adj. #	Org.	Object	Dept.	Description	Amount
<i>Expenditure Adjustments:</i>					
1	4113	411000	City Admin	Salaries	10,124
2	4113	428800	City Admin	Misc. Services	415
3	4113	428900	City Admin	In Service Training	750
4	4131	415000	City Attorney	Other Fees	13,000
5	4144	412500	Elections	Temp. Wages	1,000
6	4151	428900	Finance	In Service Training	4,200
7	4153	411000	Auditing	Salaries	33,794
8	4153	428900	Auditing	In Service Training	1,250
9	4159	421500	Central Service	Postage	500
10	4161	427000	MIS	Repairs to Equipment	1,500

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11	4171	428804	Assessing	Registry Services	350
12	4171	428900	Assessing	In Service Training	2,025
13	4181	421000	HR	Advertising	3,125
14	4181	428800	HR	Misc. Services	3,300
15	4191	426100	City Hall	Outside Rental	3,500
16	4191	427000	City Hall	Repairs to Equipment	600
17	4191	427500	City Hall	Repairs to Building	3,000
18	4192	426100	85 Park St	Outside Rental	3,000
19	4192	427000	85 Park St	Repairs to Equipment	1,500
20	4195	427000	CN Garage	Repairs to Equipment	1,000
21	4196	426100	SG Garage	Outside Rental	3,500
22	4211	422000	Police Adm.	Telephone	2,512
23	4211	446000	Police Adm.	Insurance	1,768
24	4212	412000	CID	Overtime	1,500
25	4213	411000	Patrol	Salaries	92,948
26	4213	412000	Patrol	Overtime	15,000
27	4213	426500	Patrol	Repairs to Vehicles	3,000
28	4213	428900	Patrol	Training	6,000
29	4213	432500	Patrol	Tires	1,100
30	4213	434500	Patrol	Dept. Apparel	6,800
31	4213	439800	Patrol	Other Supplies	1,000
32	4216	420500	Staff Services	Printing	600
33	4216	427000	Staff Services	Repairs to Equipment	500
34	4216	431000	Staff Services	Printing	700
35	4217	427500	Police Bldgs.	Repairs to Building	1,000
36	4221	422000	Fire Admin	Telephone	1,080
37	4222	426500	Firefighting	Repairs to Vehicles	4,000
38	4222	427000	Firefighting	Repairs to Equipment	1,000
39	4222	428900	Firefighting	In Service Training	1,250
40	4222	432500	Firefighting	Tires	1,000
41	4222	434500	Firefighting	Dept. Apparel	1,980
42	4222	435800	Firefighting	Public Safety Supplies	4,500
43	4222	448800	Fire	Hydrant Rental	295,200
44	4223	427000	Fire Comm	Repairs to Equipment	2,000
45	4225	411000	Fire Prevent	Salaries	43,347
46	4225	428900	Fire Prevent	In Service Training	500
47	4225	434600	Fire Prevent	Individual Apparel	800
48	4229	427500	Fire Stations	Repairs to Building	1,475
49	4241	428900	Code	In Service Training	2,930
50	4321	411000	Engineering	Salaries	17,285
51	4321	411000	Engineering	Salaries	58,656
52	4321	411000	Engineering	Salaries	57,949
53	4321	422000	Engineering	Telephone	360
54	4321	422000	Engineering	Telephone	360
55	4321	434500	Engineering	Dept. Apparel	200
56	4321	434500	Engineering	Dept. Apparel	200
57	4331	412000	Highway	Overtime	2,703
58	4331	422500	Highway	Utilities	1,491

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59	4331	427200	Highway	Repairs to Signs	1,500
60	4331	438800	Highway	Tarring Material	10,000
61	4332	412000	Snow Ops	Overtime	1,500
62	4332	438500	Snow Ops	Supplies	1,725
63	4332	439800	Snow Ops	Other Supplies	3,982
64	4338	411000	St. Lights	Salaries	29,182
65	4338	411000	St. Lights	Salaries	52,770
66	4338	422000	St. Lights	Telephone	600
67	4338	426300	St. Lights	Uniform Rental	550
68	4338	434500	St. Lights	Dept. Apparel	200
69	4338	438500	St. Lights	Construction Materials	975
70	4343	427000	Solid Waste	Repairs to Equipment	1,500
71	4351	411000	Open Spaces	Salaries	43,056
72	4351	412500	Open Spaces	Temp Wages	44,000
73	4351	422500	Open Spaces	Utilities	1,500
74	4351	426100	Open Spaces	Outside Rental	3,000
75	4351	426300	Open Spaces	Uniform Rental	350
76	4351	427500	Open Spaces	Repairs to Building	4,000
77	4351	427600	Open Spaces	Repairs to Grounds	15,034
78	4351	428800	Open Spaces	Misc. Services	1,000
79	4351	428836	Open Spaces	DT Maintenance	5,700
80	4351	434500	Open Spaces	Dept. Apparel	200
81	4351	435000	Open Spaces	Small Tools	3,200
82	4351	439800	Open Spaces	Other Supplies	1,000
83	4381	411000	M. Garage	Salaries	90,314
84	4381	422000	M. Garage	Telephone	1,000
85	4381	426101	M. Garage	Outside Services	10,000
86	4381	426300	M. Garage	Uniform Rental	695
87	4381	426500	M. Garage	Repairs to Vehicles	12,000
88	4381	427000	M. Garage	Repairs to Equipment	6,500
89	4381	428900	M. Garage	In Service Training	1,500
90	4381	432500	M. Garage	Tires	2,000
91	4381	434500	M. Garage	Dept. Apparel	400
92	4381	436000	M. Garage	Small Tools	600
93	4381	439800	M. Garage	Other Supplies	1,000
94	4390	412000	Buildings	Overtime	1,000
95	4390	428900	Buildings	In Service Training	800
96	4391	422500	PW Bldgs.	Utilities	1,412
97	4391	427500	PW Bldgs.	Repairs	3,057
98	4392	422500	City Owned	Utilities	1,400
99	4421	411000	GA Admin	Salaries	42,988
100	4425	422500	GA	Utilities	(10,000)
101	4425	429800	GA	Burial	(15,000)
102	4425	433500	GA	Food	(39,207)
103	4425	441000	GA	Rent	(80,000)
104	4425	441200	GA	Temp. Housing	(5,000)
105	4511	411000	Recreation	Salaries	52,770
106	4511	422000	Recreation	Telephone	360

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107	4511	428900	Recreation	Mileage	684
108	4511	442000	Recreation	Dues	630
109	4519	412000	Armory	Temp. Wages	7,500
110	4519	426100	Armory	Outside Rental	4,000
111	4519	427000	Armory	Repairs to Equipment	4,500
112	4519	427500	Armory	Repairs to Building	900
113	4519	435500	Armory	Household Supplies	2,000
114	4551	421500	Library	Postage	500
115	4552	438202	Library	Books	588
116	4552	438203	Library	Books	485
117	4552	438204	Library	Books	459
118	4559	422500	Lib Bldgs.	Utilities	1,510
119	4559	425000	Lib Bldgs.	Cleaning	2,700
120	4559	426100	Lib Bldgs.	Outside Rental	3,000
121	4811	449000	Airport	Fixed Charges	17,150
122	4812	449000	Transit	Fixed Charges	150,117
123	4812	449000	Transit	Fixed Charges	6,390
124	4813	449000	911	Fixed Charges	5,000
125	4813	449000	911	Fixed Charges	17,500
126	4921	417100	Insurance	Health	95,623
127	4931	416000	Retirement	Severance	(61,317)
128	4931	417001	Retirement	MEPERS	57,972
129	4931	417003	Retirement	FICA	41,004
130	4931	417200	Insurance	Flexible Spending	2,915
131	4931	417250	Insurance	HRAs	13,200
132	4961	449000	Tax Sharing	Fixed Charges	2,740

Total Expenditure	1,410,990
Reductions	

Revenue Reductions:

133	4155	316100	Motor Vehicle Excise	265,300
134	4155	319101	Interest on Taxes	9,800
135	4141	321100	Amusement Devices	1,500
136	4141	321200	Food Licenses	8,500
137	4141	321350	Inn/Lodges Licenses	1,395
138	4141	321450	Peddlers Licenses	946
139	4141	321500	Taxi Licenses	400
140	4141	321550	Other Licenses	3,000
141	4241	322100	Building Inspector Fees	8,000
142	4331	322305	Sidewalk Occupancy	3,500
143	4141	322400	Marriage Licenses	1,500
144	4155	322450	Motor Vehicle Reg. Fees	6,000
145	4241	322550	Plumbing Fees	4,250
146	4425	334200	General Assistant Aid	(104,550)
147	4331	334250	Highway Aid	30,000
148	4155	335150	State Exemption	3,400
149	4151	335200	State Revenue Sharing	990,334
150	4141	341010	Notary Services	255
151	4194	341150	Parking	4,500

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

152	4194	341151		Parking	3,900
153	4193	341200		Parking	4,500
154	4195	341205		Parking	3,000
155	4195	341210		Parking	9,500
156	4196	341220		Parking	1,550
157	4197	341225		Parking	1,000
158	4141	341300		Vital Statistics	6,000
159	4213	342150		Parking Meters	7,000
160	4343	343252		Punch Pass Sales	1,500
				Apartment Bldgs. Trash	
161	4342	343255		Col.	25,200
162	4551	345510		Photocopies - Library	3,250
163	4241	351150		Code Violations	3,000
164	4213	351200		Court Fees	800
165	4213	351250		Police False Alarms	4,000
166	4222	351260		Fire False Alarms	1,000
167	4222	351261		Fire Alarm Reset Fee	300
168	4222	351262		Fire Reinspection Fee	200
169	4213	351350		Parking Violations	14,000
170	4155	361100		Investment Earnings	110,000
171	4193	362151		Monthly Parking	52,000
172	4194	362152		Monthly Parking	23,710
173	4195	362153		Monthly Parking	55,000
174	4196	362154		Monthly Parking	8,000
175	4197	362155		Monthly Parking	14,500
176	4519	362200		Armory Rent	9,660
177	4141	363100		Franchise Fees	13,200
178	4343	372150		Sale of Ferrous Metals	10,500
179	4152	372200		Sale of Surplus Property	(3,000)
180	4151	373101		Unclassified	10,000
				Total Revenue Reductions	1,631,300

Utility

Adjustments:

181	6010	662502	Water	Cont. Service -Hazmat	3,800
182	6010	662509	Water	Cont. Service - Other	16,500
183	6030	662401	Water	Cont. Service - Mgmt.	17,254
184	6030	663001	Water	Materials & Supplies	15,625
185	6050	412000	Water	Overtime	5,000
186	6050	412500	Water	Temp Wages	24,540
187	6050	660406	Water	Travel & Training	3,000
188	6050	663001	Water	Materials & Supplies	15,500
189	6050	664201	Water	Equipment Rental	6,000
190	6010	412000	Water	Overtime	3,000
191	6010	412500	Water	Temp Wages	4,000
192	6070	660406	Water	Travel & Training	400
193	6070	662509	Water	Cont. Services - Other	2,200
194	6070	663001	Water	Materials & Supplies	275
195	6050	417003	Water	FICA	2,260

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

196	6010	417003	Water	FICA	535
197	6080	660406	Water	Travel & Training	1,000
198	6080	662201	Water	Cont. Service - Audit	565
199	6080	663001	Water	Materials & Supplies	10,600
200	6080	663001	Water	Materials & Supplies	4,310
201	6080	666601	Water	Rate Case	6,000
202	6085	640301	Water	Capital	318,100
				Total Water	460,464
203	6210	661501	Sewer	Purchase Power	3,588
204	6210	662401	Sewer	Cont. Services - Mgmt.	7,772
205	6210	662502	Sewer	Cont. Services - Hzmat	3,280
206	6210	663001	Sewer	Material & Supplies	10,000
207	6250	412000	Sewer	Overtime	2,100
208	6250	412500	Sewer	Temp Wages	5,400
209	6250	663001	Sewer	Material & Supplies	3,850
210	6250	664201	Sewer	Equipment Rental	5,000
211	6250	417003	Sewer	FICA	575
212	6250	662509	Sewer	Sewer's portion of meters	45,000
213	6270	660406	Sewer	Travel & Training	300
214	6270	662270	Sewer	Repairs to Equipment	1,250
215	6270	663001	Sewer	Material & Supplies	325
216	6280	660406	Sewer	Travel & Training	1,000
217	6280	662201	Water	Cont. Service - Audit	565
218	6280	663001	Sewer	Material & Supplies	2,200
				Total Sewer	92,205

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT: Resolve, Making an Appropriation for Municipal Budget Year 2021

INFORMATION:

This resolve will adopt the municipal budget for Fiscal Year 2021 as adjusted by the City Council throughout the budget process. The attached establishes the City budget and provides the authority to make the approved expenditures. The budget resolve also fulfills various requirements of Maine State Statutes.

Please note that in accordance with the City Charter, five or more affirmative votes are required to approve the budget.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action. I am pleased that we have been able to exceed the Council established goal of no property tax increase given the current economic challenges facing our residents. *CRB/kmm*

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Making an Appropriation for Municipal Budget Year 2021



**City of Lewiston Maine
City Council Order
May 5, 2020**

RESOLVE, Making an Appropriation for Municipal Budget Year 2021

Be It Resolved by the City Council of the City of Lewiston that the sum of \$49,710,345 is hereby appropriated in the General Fund for the municipal year 2021 in accordance with the schedule of appropriations; and

Be It Further Resolved by the City Council of the City of Lewiston that, in addition to such other revenues as are estimated to be available to meet the above appropriations including the Homestead and Business Equipment Tax Exemption reimbursement, the sum of \$33,083,033 be raised by assessment upon the estates of the inhabitants of the City of Lewiston and upon the estates of non-resident proprietors within said City for the present municipal year; and

Be It Further Resolved by the City Council of the City of Lewiston that the sum of \$11,992,137 be appropriated as non-tax revenues in the General Fund for the municipal year 2021 in accordance with the schedule of appropriations; and

Be It Further Resolved by the City Council of the City of Lewiston that the list of tax assessments upon the estates in Lewiston for all city taxes, together with all assessments and charges made under the provisions of the Maine Revised Statutes annotated, Title 30A, Section 3406 and 3442 to 3445 inclusive, and the City's due proportion of the County Tax in the amount of \$2,985,175 for the period of July 1, 2020 through June 30, 2021 shall be committed by the Assessor to the Finance Director, and one-half of said taxes shall be due and payable on the 15th day of September 2020 with the remaining one-half of said taxes due and payable on the 15th day of March 2021; and

Be It Further Resolved by the City Council of the City of Lewiston that interest at the maximum State approved rate of 9% per annum for fiscal year 2021 shall be collected on the first half of said taxes from September 16, 2020, if not voluntarily paid to the Finance Director on or before September 15, 2020 and on the second half of said taxes from March 16, 2021, if not voluntarily paid to the Finance Director on or before March 15, 2021; and

Be It Further Resolved by the City Council of the City of Lewiston that in each case, said interest shall be added to and become a part of said taxes; and

Be It Further Resolved by the City Council of the City of Lewiston that the Treasury Manager/Tax Collector is authorized to accept payments of uncommitted taxes and to pay to the taxpayer interest from the date of payment to the commitment date at a rate of 0% and that refunds for overpayments or abatements shall be paid to the taxpayer with interest from the date of payment to the date of abatement or refund, whichever is earlier, at an interest rate of 2.00%; and

Be It Further Resolved by the City Council of the City of Lewiston that the Treasury Manager/Tax Collector shall apply all payments to the oldest balance due to the City on that account regardless of any instructions the customer/taxpayer may give. If, however, a lien has matured, the Treasury Manager/Tax Collector may not accept payment on that account unless a workout agreement is in place or approval has been granted by the Finance Director to accept payment. If a customer/taxpayer has more than one account, any payment shall be applied to the oldest balance due; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally accepts and appropriates any cash contributions received during this budget year to the appropriate department and purpose for which such contribution has been made and where such contribution is equal to or less than \$10,000; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any grants from the State of Maine, the Government of the United States of America, or any other organization received during this budget year where such grant is equal to or less than \$25,000, such appropriation to become effective upon formal Council action to accept such grant; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any insurance proceeds received during this budget year to the appropriate department for the purpose of repairing or replacing the damaged property where such amount is equal to or less than \$50,000, such appropriation to become effective upon receipt of funds; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any Municipal Garage revenues in excess of the amount expended at the end of the fiscal year to be included in the General Fund Municipal Garage Vehicle Reserve Account; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates a 2.5% cost of living adjustment (COLA) for nonunion personnel effective on the payroll check dated July 1, 2020, and .5% COLA effective on the payroll check dated January 6, 2021 and directs the Finance Director to make the necessary adjustments to non-union salary schedules; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized from the library's permanent endowment fund in accordance with the recommendation of the Library Board of Trustees and to the extent that the

City Administrator determines that such an appropriation is in accordance with existing City and Library policies; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized to transfer the amount of \$6.62 or the current State reimbursement rate per snowmobile registration to the Hillside Snowmobile Club. Payment will be made annually to the Hillside Snowmobile Club by June 30, 2021; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized to transfer the amount of 20% of net timber harvesting revenue, if any, to the Community Forestry Fund in accordance with City Ordinance 78-45; and

Be It Further Resolved by the City Council of the City of Lewiston to appropriate the sum of \$20,693,972 on behalf of the Lewiston School Department and the amount be raised by assessment upon the estates of the inhabitants of the City of Lewiston and upon the estates of non-resident proprietors within said City for the present municipal year; and

Be It Further Resolved by the City Council of the City of Lewiston that the City Council deems it necessary to adopt a budget which exceeds the percent increase of the Gross National Product-Implicit Price Deflator and hereby waives the provisions of Section 6.07(h) of the City Charter.

(NOTE – Five or more affirmative votes are required for the passage of this Resolve.)

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Resolve Making an Appropriation for Utility and Special Revenue Funds for Municipal Budget Year 2021.

INFORMATION:

This action is the final phase of the budget adoption for the water, sewer and storm water budgets as well as the Recreation Activities budget, and is an item that needs to be done annually. The attached information defines the Water, Sewer and Storm Water Appropriation as well as that for the Recreation Activities account.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/B/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve Making an Appropriation for Utility and Special Revenue Funds for Municipal Budget Year 2021.



**City of Lewiston Maine
City Council Order
May 5, 2020**

RESOLVE, Making an Appropriation for Utility and Special Revenue Funds for Municipal Budget Year 2021

Be It Resolved by the City Council of the City of Lewiston that the appropriation for municipal year 2021 for the following Enterprise Funds is hereby authorized and approved: the Water Fund in the amount of \$5,438,975, the Sewer Fund in the amount of \$7,017,603, and the Storm Water Fund in the amount of \$3,227,264; and

Be It Further Resolved by the City Council of the City of Lewiston that the appropriation for municipal year 2020 for the following Special Revenue Funds is hereby authorized and approved: the Recreation Activity Fund in the amount of \$132,491 with approval to pursue offering new programs that are financially viable, the Police Drug Forfeiture Fund in the amount of \$143,613; and the Tax Increment Financing Fund in the amount of \$2,095,503; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any grants from the State of Maine, the Government of the United States of America, or any other organization received during this budget year where such grant is equal to or less than \$25,000, such appropriation to become effective upon formal Council action to accept such grant.

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT:

Order Authorizing the City Administrator to provide city services and funding for City Non-Profit Organization Activities in accordance with the FY2021 City Council approved list.

INFORMATION:

The City Council has received and reviewed the list of requested donations and in-kind support from various non-profit agencies. This agenda item is to approve the City Administrator's recommendations for city support regarding a monetary donation as well as in-kind donations for the upcoming programs and events. In-kind donations include city support such as overtime costs for Public Works and Police Department staff as well as a waiver of permit fees and use of city equipment such as jersey barriers, snow fencing, trash cans and so forth.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/B/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to provide city services and funding for City Non-Profit Organization Activities in accordance with the FY2021 City Council approved list.



**City of Lewiston, Maine
City Council Order
May 5, 2020**



ORDER, Authorizing the City Administrator to Provide City Services and Funding for City Non-Profit Organization Activities in Accordance with the FY2021 City Council approved List.

Whereas, the City of Lewiston has a history of providing in-kind support services and limited cash contributions for a variety of activities that will enhance our City's quality-of-life and provide certain non-profit organizations a source of revenue to support programming available to eligible Lewiston residents; and

Whereas, the organizations which will receive FY2021 City support have complied with the application requirements set forth in the "Charitable Organization Support Policy;" and

Whereas, requests for such City support have been reviewed by the City Council as a part of the FY2021 budget process;

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

the City Administrator is authorized to direct City departments to provide applicable City in-kind support services outlined in the attached "Lewiston Charitable Donations – Summary of Requests for FY2021" less the \$50 application fee and licenses and permits in accordance with the City's Special Events Policy and to issue a cash payment to the Liberty Festival to support its July 4th fireworks display subject to the City Council's final approval of the FY2021 municipal budget; and

Be It Further Ordered That

The City Policy restricting the loaning of tables and chairs be waived for the Great Falls Balloon Festival;

Be It Further Ordered That

A festival zone, as shown on the attached map and covering nearby City-owned property, is hereby authorized for the St. Mary's Nutrition Center Farmers' Market, such zone prohibiting any individual, group or vendor that is distinct from the Lewiston Farmers' Market from operating a farmers' market, farm stand, or other pop-up business offering products similar to those of the Lewiston Farmers' Market without the specific written authorization of the St. Mary's Nutrition Center and the leadership body of the Lewiston Farmers' Market.

Farmers Market Festival Zone-Vendor Area-Parking



Summary & Special Notes on Municipal Dues and Donations Budget

4/7/2020

		ALL FEES IN THIS COLUMN ARE PAID BY EVENTS UNLESS NOTED	ALL FEES IN THIS COLUMN ARE PAID BY EVENTS UNLESS NOTED			ROAD RACES B1; FESTIVALS ON CITY PROP B2; BEGINS IN OTHER TOWN B3; REQUEST FOR MISC SUPPORT B4
FY2021	Total all OT Costs	Park Charges	Misc, Perm, Licenses	Total In-Kind Requested	COMMENTS	EVENT CATEGORY
A-I Rotary Criterium - Bike Race	\$ 948.38	\$ 75.00	\$ 8.50	\$ 1,031.88		B1
Art Walk LA, Concerts	\$ 794.00		\$ 50.50	\$ 844.50	exempt from park fees per policy for concerts	B2
Dempsey Challenge - CMMC	\$ 6,568.38	\$ 750.00	\$ 84.50	\$ 7,402.88		B1
GAHS - Strutt Your Mutt Walk	\$ 139.50			\$ 139.50		B1
Great Falls Balloon Fest	\$ 15,814.50	\$ 324.00	\$ 717.00	\$ 16,855.50		B2
LA Bridge Run - Triple Crown Series	\$ 1,826.00			\$ 1,826.00		B1
Lewiston Farmers Market	\$ -		\$ 372.50	\$ 372.50		B2
Liberty Festival	\$ 4,011.25		\$ 84.00	\$ 4,095.25		B2
Pine Street Block Party						
Safe Voices Walk to End DV						
Twin Cities Holiday Celeb - City sponsored	\$ 992.50			\$ 992.50		B2
Veterans Council (approved by CC 5/5/15)	\$ 2,083.00		\$ 17.50	\$ 2,100.50	3 events (Mem Day Parade & Ceremony; June Flag Day; Nov Vets Day Review--APPROVED AS OFFICIAL CITY EVENTS IN POLICY 5.19.15	City sponsored
Walk to End Alzheimers			\$ 17.00	\$ 17.00		B1
World Refugee Day	\$ 287.00		\$ 150.00	\$ 437.00		
YMCA Fit Test - Triple Crown Series	\$ 2,140.00			\$ 2,140.00		B1
TOTAL REQUESTS	\$ 35,604.50	\$ 1,149.00	\$ 1,501.50	\$ 38,255.00		2 - B4

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT: Resolve, Authorizing the Use of \$1,500 from the Farrar Fund for Costs of Basic Necessary Services for Needy Individuals.

INFORMATION:

Annually, the City Council is asked to approve the use of only the accumulated investment earnings from the Farrar Fund. On May 10, 2001, the City Council voted to authorize the use of these funds for medical and dental expenses incurred in the Social Services budget. Prior to this date it was budgeted in the Public Health budget.

In 2008, the Council voted to authorize the funds to be used for charitable need purposes, as determined by the Social Services Director, to provide basic necessary services to those individuals whose income is no greater than 185% of the federal poverty level. This action allows for the funds to be used for essential basic needs; however, in the recent past the majority of the assistance has been for prescription medication due to the overwhelming demand. These clients are not covered by Maine Care or any other insurance program and, after the City provides rent and utility assistance, their overall General Assistance maximum has been met.

As of March 31, 2020, the principal balance of \$18,551 has been maintained in perpetuity and the accumulated interest earnings amount to \$12,622.77. In accordance with the adopted procedure, anticipated expenditures in excess of the prior year's interest earning of \$357.98 must be approved by Council. Although the need is far greater, it is requested that the City Council authorize a \$1,500 limit for fiscal year 2021.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmn

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the **Resolve,** Authorizing the Use of \$1,500 from the Farrar Fund for Costs of Basic Necessary Services for Needy Individuals.



**City of Lewiston Maine
City Council Resolve
May 5, 2020**



Resolve, Authorizing the Use of \$1,500 from the Farrar Fund for Costs of Basic Necessary Services for Needy Individuals.

Whereas, the City of Lewiston was left an endowment to provide for medical and dental expenses for needy individuals; and

Whereas, in 2008, the City Council authorized the use of these funds, as determined by the Social Services Director, to provide basic, necessary services to those individuals whose income is no greater than 185% of the federal poverty level; and

Whereas, fund principal in the amount of \$18,551 is to be maintained in perpetuity; and

Whereas, due to the rate of return on investments, it is anticipated that the demand for service will exceed the adopted procedure of only utilizing the prior year's investment earnings; and

Whereas, the appropriation of \$1,500 is recommended with additional funding for this amount over and above the interest earned in the prior year coming from interest earnings accumulated and retained over time;

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

the Social Services Director is authorized to spend up to \$1,500 from the Farrar Fund, same authorized amount in FY20.

LEWISTON CITY COUNCIL
MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

Resolve, Authorizing Transfer of \$930,000 from Various Capital Projects to fund the \$400,000 Local Share of the Airport FBO Ramp Construction Project, the \$330,000 FY21 Lewiston Technology Plan, and the \$200,000 Canal Street Parking Garage Repair Project.

INFORMATION:

The Finance Director is recommending the above described transfer of funds to fund some capital projects regarding the airport, the city technology upgrades and the Canal Street Parking Garage repairs.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAS/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Authorizing Transfer of \$930,000 from Various Capital Projects to fund the \$400,000 Local Share of the Airport FBO Ramp Construction Project, the \$330,000 FY21 Lewiston Technology Plan, and the \$200,000 Canal Street Parking Garage Repair Project.



City of Lewiston Maine
City Council Order
May 5, 2020



RESOLVE, Authorizing Transfer of \$930,000 from Various Capital Projects to fund the \$400,000 Local Share of the Airport FBO Ramp Construction Project, the \$330,000 FY21 Lewiston Technology Plan, and the \$200,000 Canal Street Parking Garage Repair Project.

WHEREAS, the City Council approved the FY21 LCIP which included the various municipal projects; and

WHEREAS, the FY17, FY18, and FY19 bonded projects generated a surplus of \$95,000, \$182,000, and \$653,000 respectively in net premium, investment earnings, and project surpluses; and

WHEREAS, the City has an immediate need to spend outstanding bond proceeds derived from closed projects in order to avoid potential arbitrage rebates to the Internal Revenue Service; and

WHEREAS, the City Council desires to adhere to the 80% bond limitation policy,

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

That the amount of \$930,000 is hereby transferred from the following surplus fund balances: 2017 capital projects - \$95,000, 2018 capital projects - \$182,000, and 2019 capital projects - \$653,000 to fund the \$400,000 Local Share of the Airport FBO Ramp Construction Project, the \$330,000 FY21 Lewiston Technology Plan, and the \$200,000 Canal Street Parking Garage Repair Project.

LEWISTON CITY COUNCIL
MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 18

SUBJECT:

Resolve, Authorizing Transfer of \$305,000 from various Capital Projects to fund the \$255,000 Dingley Building Security Project and the \$50,000 mobile hotspots project.

INFORMATION:

The School Committee is requesting the above described transfer of funds to fund the Dingley Building Security Project and the mobile hotspots project.

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, Authorizing Transfer of \$305,000 from various Capital Projects to fund the \$255,000 Dingley Building Security Project and the \$50,000 mobile hotspots project.



City of Lewiston Maine
City Council Order
May 5, 2020



RESOLVE, Authorizing Transfer of \$305,000 from Various Capital Projects to fund the \$255,000 Dingley Building Security Project and the \$50,000 mobile hotspots project.

WHEREAS, the City Council and the School approved the FY21 LCIP which included the Dingley Building Security Project; and

WHEREAS, the Covid-19 pandemic has forced school instruction to occur remotely and many students may be at a disadvantage due to lack of internet access; and

WHEREAS, elected officials recognize the importance of building security and remote access to education; and

WHEREAS, the FY17, FY18, and FY19 bonded projects generated a surplus of \$158,000, \$27,000, and \$70,000 respectively in net premium, investment earnings, and project surpluses; and

WHEREAS, the City has an immediate need to spend outstanding bond proceeds derived from closed projects in order to avoid potential arbitrage rebates to the Internal Revenue Service; and

WHEREAS, the School Dept. also has decided not to move forward with the LMS Auditorium Workshop project in the amount of \$50,000; and

WHEREAS, both set of elected officials would like to adhere to the 80% bond limitation policy as much as possible;

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

That the amount of \$305,000 is hereby transferred from the following surplus fund balances: 2017 capital projects - \$158,000, 2018 capital projects - \$27,000, and 2019 capital projects - \$70,000 to fund the Dingley Building Security Project; and \$50,000 from the LMS Auditorium Workshop to fund the Mobile Hotspots project.

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 19

SUBJECT: Order, Authorizing the Library Director to Apply for and Accept a National Endowment for the Humanities Grant under their newly-created NEH Cares: Cultural Organizations program.

INFORMATION:

The Library is requesting authorization to apply to the National Endowment for the Humanities for a grant under their newly-created NEH Cares: Cultural Organizations program (<https://www.grants.gov/web/grants/view-opportunity.html?oppId=326458>). This emergency relief program aims to assist institutions working in the humanities that have been affected by the coronavirus. If approved by the Council, the Library's application would focus on operating costs related to Public Programming. The grant deadline is 5/11/2020, with decisions given in June 2020; if approved, the funding period would run from 6/15/2020 to 12/31/2020.

Note that this is a highly competitive grant and there is no assurance that we will be funded.

Greater detail on this application can be found in the attached memo from Library Director Marcela Peres.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

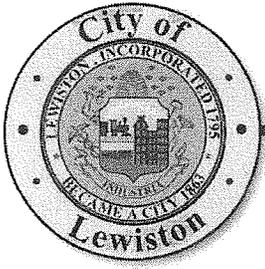
The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order, Authorizing the Library Director to Apply for and Accept a National Endowment for the Humanities Grant under their newly-created NEH Cares: Cultural Organizations program.



CITY OF LEWISTON, MAINE

May 5, 2020

COUNCIL ORDER

Order, Authorizing the Library Director to Apply for and Accept a National Endowment for the Humanities Grant under their newly-created NEH Cares: Cultural Organizations program.

Whereas, the National Endowment for the Humanities is offering potential grant funding for Libraries that have been affected by the COVID 19 pandemic; and

Whereas, the Lewiston Public Library wishes to apply for such funding to assist in developing and presenting programming using distance delivery techniques;

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

The Library Director is hereby authorized to apply for and accept a National Endowment for the Humanities Grant under their newly-created NEH Cares: Cultural Organizations program.



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

To: City Council and Mayor
From: Marcela Peres, Library Director
Date: April 27, 2020
Re: NEH CARES Grant Application Authorization

The Library is requesting authorization to apply to the National Endowment for the Humanities for a grant under their newly-created NEH Cares: Cultural Organizations program (<https://www.grants.gov/web/grants/view-opportunity.html?oppld=326458>). This emergency relief program aims to assist institutions working in the humanities that have been affected by the coronavirus. If approved by the Council, the Library's application would focus on operating costs related to Public Programming. The grant deadline is 5/11/2020, with decisions given in June 2020; if approved, the funding period would run from 6/15/2020 to 12/31/2020.

Over the past decade, programming has become one of the most successful and utilized services that the Library offers. The Library has been closed due to the pandemic since March 16, 2020, and staff have moved regular programs and initiated new programs for the public online using the Library's website, Zoom account, and social media platforms. These include book discussions, instructional and educational videos, poetry readings, and interactive opportunities for all ages, among other offerings. In a time when the internet is an essential window to the world, engagement on this content is up 52% over the previous month. Even when the Library reopens, necessary safety precautions will likely mean significant alterations to in-person library programming for some time.

In preparation for this, Library staff is planning to continue offering safe online options even after opening, including the 2020 Summer Reading Program. At this time, the proposed grant project budget is being finalized. However, if approved and funded, this grant would cover salaries for staff involved with public programming during this timeframe as well as expenses to support these offerings, including the purchase of an institutional subscription to an app that would allow the Summer Reading Program to be offered online. The disruptions to the school year caused by COVID-19 may have a significant impact on local students; a robust summer reading program would reinforce reading and literacy habits at a time when many families are struggling to structure at-home learning. We plan to work closely with area educational institutions to support parents and educators in their efforts to ready students for the Fall school start.

These public programming costs are ordinarily budgeted under the City's general fund, so a successful application would represent a temporary cost relief to the City in these emergency circumstances. No cost sharing or matching is required, and the City would incur no additional costs beyond the FY21 Library Department budget.

LEWISTON CITY COUNCIL

MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 20

SUBJECT: Order, Authorizing the City Administrator to Execute and Option Agreement with Avesta Housing Development Corporation for the Sale and Redevelopment of the Former Martel School.

INFORMATION:

Given that the Martel School is no longer needed for educational purposes, the Lewiston School Committee voted to return the property to the City. Following our normal procedures, the Planning Board recommended that the City dispose of the property and the Finance Committee recommended that this be done by sealed bids.

Three responses were received to a Request for Proposals for redevelopment/reuse of this property and, in February of this year, the City Council chose a proposal submitted by Avesta Housing in collaboration with the Lewiston Housing Authority. This proposal addressed certain city preferences, including maintaining the historic portion of the school building and retaining the rear portion of the property for public open space. The developers proposed paying \$129,000 for the site and redeveloping it into a 44 unit senior housing project projected to cost \$11.5 million. The project will be fully taxable and will be redeveloped utilizing Low Income Housing and Historic Preservation Tax Credits.

The attached memo from Lincoln Jeffers, Director of Economic and Community Development, provides additional detail on the option agreement.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

Carli km

REQUESTED ACTION:

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To approve the Order, Authorizing the City Administrator to Execute and Option Agreement with Avesta Housing Development Corporation for the Sale and Redevelopment of the Former Martel School.



CITY OF LEWISTON, MAINE

May 5, 2020

COUNCIL ORDER

Order, Authorizing the City Administrator to Execute and Option Agreement with Avesta Housing Development Corporation for the Sale and Redevelopment of the Former Martel School.

Whereas, the Lewiston School Committee determined that the Martel School is no longer needed for educational purposes and voted to return the property to the City; and

Whereas, following our normal procedures, the Planning Board recommended that the City dispose of the property and the Finance Committee recommended that this be done by sealed bids; and

Whereas, three responses were received to a Request for Proposals for redevelopment/reuse of this property and, in February of this year, the City Council chose a proposal submitted by Avesta Housing in collaboration with the Lewiston Housing Authority; and

Whereas, this proposal addressed certain city preferences, including maintaining the historic portion of the school building and retaining the rear portion of the property for public open space; and

Whereas, the developers proposed paying \$129,000 for the site and redeveloping it into a 44 unit senior housing project projected to cost \$11.5 million; and

Whereas, the project will be fully taxable and will be developed utilizing Low Income Housing and Historic Preservation Tax Credits;

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

The City Administrator is hereby authorized to enter into an option agreement with Avesta Housing Development Corporation for the Sale and Redevelopment of the Former Martel School in a form as substantially attached hereto.

Economic and Community Development

Lincoln Jeffers
Director



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Martel School Purchase and Sale Option
Date: April 28, 2020

Background

After reviewing three responses to a Request for Proposals for redevelopment/reuse of 860 Lisbon Street, in February of this year the City Council chose a proposal submitted by Avesta Housing, in collaboration with the Lewiston Housing Authority. They proposed paying \$129,000 for the site and redeveloping it into a 44 unit senior housing project projected to cost \$11.5 million. The project will be redeveloped utilizing Low Income Housing and Historic Preservation Tax Credits. The City Council directed me to negotiate an Option Agreement for conveyance of the property to Avesta.

Action Requested

Attached is the Option Agreement.

To elaborate on some of the points:

- 1) Avesta and LHA are partnering on this project. However, the Option Agreement is with Avesta, who provided the deposit check. At the time the tax credits are syndicated, the Option will be assigned to a Limited Partnership created specifically for redevelopment of the property. Even though Avesta will only have a small fraction of the ownership, they will be the controlling party in the limited partnership.
- 2) The City will hold the \$10,000 deposit during the Option period. If the Option is exercised, the deposit will be applied toward the purchase price. If the deal does not go forward, the \$10,000 is returned to the Purchaser.
- 3) If they do not receive LIHTC in their first application, the City Administrator can extend the agreement by one year without further City Council action.
- 4) Purchaser agrees to keep the back portion of the parcel as open space and to provide the City with an easement for that purpose. The purchaser agrees to mow and maintain the green space; but the City shall remove, repair, and replace the

playground equipment as it deems fit, and maintain liability insurance for the playground.

- 5) Purchaser agrees to cooperate with the city in evaluating the feasibility of building a senior center in the lowest level of the former Martel School building. If feasible, the Purchaser agrees to provide space (size to be determined) in the lowest level of the building. Cost of improvements to the space will be paid by the City. A decision on whether to move forward with a senior center must be made by August 15, 2020. Municipal financing for development of the senior center could come from a reduction in the purchase price, CDBG or other sources to be determined.
- 6) The project will be fully taxable.
- 7) Purchaser agrees to not seek Tax Increment or HOME financing from the City for the project. However, if the site requires environmental remediation, municipal support can be requested.

Public Works reports that some of the playground equipment on the site has been deemed unsafe, has been cordoned off, and needs to be removed. A determination can be made in the future as to whether the City wants to install another playground. Again, this would be eligible for CDBG funding.

The Purchaser wants to apply in the fall 2020 LIHTC allocation process. To be competitive they need to have full development review approval from the Planning Board and be past the appeal period. To meet that schedule, they want to submit their project for staff review on June 1, which will put them in good stead to submit their application for Planning Board approval on July 1. To meet this schedule the City Council needs to take action on the Option Agreement at their May 5th meeting.

The Council is asked to approve the Option Agreement as presented, and to authorize the City Administrator to execute the same, as well as to move forward with evaluation of a portion of the space for a senior center.

Staff recommends approval of the requested action.

OPTION AGREEMENT

THIS OPTION AGREEMENT (“Agreement”) is made as of May __, 2020 (“Effective Date”) between the City of Lewiston (the “City”), and Avesta Housing Development Corporation, a Maine nonprofit corporation (“Buyer”).

BACKGROUND

The City is the owner of the land and buildings situated at 860 Lisbon Street, Lewiston, Maine, more particularly described in deeds recorded in the Androscoggin County Registry of Deeds, Book 337, Page 302, Book 342, Page 92, Book 342, Page 271 and Book 342, Page 313 which includes the former Martel School (collectively the “Real Estate”). The City wishes to grant to Buyer an option to purchase the Real Estate.

The parties agree as follows:

1. Option. The City grants to Buyer an exclusive option to purchase the Real Estate as provided in this Agreement during the Option Term.
2. Option Price. The option price is **\$10,000** (“Option Price”), receipt of which is hereby acknowledged by the City. The Option Price shall be applied towards the purchase price if Buyer exercises its option.
3. Option Term. The option term (“Option Term”) shall commence on the Effective Date and continue for **two years** after the Effective Date, with an extension of one additional year if approved by the City Administrator.
4. Cooperation by the City. The City shall cooperate with (a) the performance of tests by Buyer, and (b) application by Buyer, at its expense, for all licenses and permits or authorizations required for the Project from all applicable government and/or regulatory entities (collectively, “Governmental Approvals”).
5. Grant of Access License and Permission to Seek Government Approvals. Commencing on the Effective Date and throughout the Option Term, the City grants to Buyer, an irrevocable, exclusive license (“License”) to (a) enter upon the Real Estate at any time and from time to time to conduct, at Buyer’s expense and risk, such tests, inspections, surveys and investigations as Buyer deems necessary or appropriate to evaluate the suitability of the Real Estate for the Project and (b) seek Government Approvals during the Option Term for the Project. During the Option Term, the Buyer shall not install any permanent improvements or structures on the Real Estate. If Buyer does not exercise its option during the Option Term, Buyer shall, at Buyer’s sole cost and expense, promptly remove any and all liens, improvements, personal property, equipment, goods, and other property, and all trash, debris, and other refuse from the Real Estate that are the result of such tests, and shall have no other rights in and to the Real Estate.

6. Exercise. Buyer shall exercise its option by written notice to the City given during the Option Term.
7. Purchase Price. The purchase price for the acquisition of the Real Estate shall be **\$129,000**. The purchase price shall be paid in full (less the Option Price) at the closing.
8. Representations and Warranties. The City represents and warrants to Buyer that, as of the date of this Agreement and as of the date of the closing:
 - 8.1. No Pending Litigation Affecting Real Estate. There is no legal proceeding pending or threatened (or, to the best knowledge of the City, any basis for such a proceeding) against the City affecting any portion of the Real Estate in any court or before any arbitrator of any kind or before or by any governmental body.
 - 8.2. No Leases or Contracts. There are no leases, subleases or agreements concerning the ownership, leasing, subleasing or occupancy of the Real Estate. There are no service contracts, maintenance agreements or other agreements with respect to the Real Estate.
 - 8.3. Compliance with Laws. All applicable laws, statutes, ordinances and regulations have been complied with in regard to the Real Estate.
9. Termination. If Buyer objects to any exceptions to the title of the Real Estate or to the environmental conditions of the Real Estate during the Option Term, the City shall have the option, at the City's sole discretion, to use reasonable efforts to cure such defects at the City's own expense during the next **60** days. If the City cannot cure the defects within the **60** day time period, or such additional period as Buyer, in Buyer's sole discretion, may allow, Buyer may elect to terminate the option on the Real Estate. Buyer shall notify the City of such election, in which case the Option Price shall be refunded to Buyer and the obligations of all parties under this Agreement shall terminate. Alternatively, Buyer may elect to purchase the Real Estate as provided under the provisions of this Agreement subject to any defects which cannot be removed.
10. Closing and Payment. The closing shall take place at Buyer's election but not later than **60** days after the exercise of the option, at the offices of Brann & Isaacson, 184 Main Street, Lewiston, Maine, or such other place within the State of Maine as the parties may select. Buyer will make all closing payments by wire or by certified, cashier's or attorney trust account check.
11. Conveyance, Conditions of Sale and Payment.
 - 11.1. Title. The City shall convey the Real Estate by municipal quitclaim deed, free and clear of all liens, rights to liens, claims, encumbrances, and other matters affecting title, subject only to conventional utility easements and such restrictions as would not make the title unmarketable. The title shall also be insurable by any reputable title insurance company licensed to do business in the State of Maine.

The City will execute such typical seller affidavits and closing documents as may approved by the City's counsel.

- 11.2. Possession. At the time of the closing, the City will deliver exclusive possession of the Real Estate to Buyer free of all leases, tenancies or occupancies by any person or entity.
- 11.3. Green Space. The City's deed shall retain an easement which provides that the former Martel School playground ("Open Space"), located to the rear of the Real Estate, shall remain as open space for recreational use by the residents of the Project and citizens of Lewiston, and permits the City to install, maintain and replace playground equipment. The terms of such reserved easement shall be subject to the mutual satisfaction of Buyer and the City. Buyer agrees to cause Lewiston Housing Authority to mow and maintain the Open Space. If the City decides to replace the playground equipment, the cost of the equipment and installation will be paid by the City. The City shall maintain liability insurance coverage for the playground equipment, naming Buyer as an additional insured.
- 11.4. Senior Center. Buyer agrees to work with the City on the feasibility of providing space in ground floor of the original Martel School building for a senior center ("Senior Center"), possibly to include the relocation of the existing senior center from the Lewiston Armory. The parties have not yet determined the size of the Senior Center. The cost of renovation and/or new construction required for the Senior Center, including accessibility improvement if needed, will be paid by the City. The parties will reach a decision concerning the feasibility of the Senior Center no later than August 15, 2020. The parties agree to discuss in good faith the ownership structure relating to the senior center, which may include a long term lease or, in the alternative, condominium form of ownership.
- 11.5. Payment in Lieu of Taxes. Although Buyer is a nonprofit entity, the deed shall contain a condition that Buyer will pay full property taxes on the Real Estate. Nothing contained in this Section shall preclude Buyer from seeking an abatement of real property taxes in accordance with Maine law.
- 11.6. No TIF or HOME Funding. Buyer agrees not to seek tax increment financing or HOME funding (except as set forth in Section 11.7 below) from the City for the Project.
- 11.7. Funding for Environmental Remediation. If environmental contamination is found on the Real Estate, Buyer may apply for financial support from the City to assist in remediation. This support could include a reduction in the purchase price, HOME, CDBG or Brownfields funding or any combination thereof.

12. Miscellaneous.

- 12.1. Brokers. Neither the City nor Buyer has retained a real estate broker in this transaction. Each agrees to hold harmless and indemnify the other from and against any losses, damages, costs or expenses that either party may suffer as a result of claims made or suits brought by any broker in connection with this transaction, the indemnifying party to be the party whose conduct gives rise to such claim.
- 12.2. Time. Time is of the essence in all matters relating to this Agreement.
- 12.3. Headings. Section headings are for convenience only. They are not intended to expand or restrict the scope or the substance of the provisions of this Agreement.
- 12.4. Binding Effect. This Agreement shall be binding on the successors and assigns of the City and Buyer.
- 12.5. Assignment. This Agreement may not be assigned or delegated by either party without the prior written consent of the other party, except that Buyer may assign to an affiliate controlled by Buyer or to Lewiston-Auburn Area Housing Development Corp. or an affiliate controlled by Lewiston-Auburn Area Housing Development Corp..
- 12.6. Amendment. This Agreement may not be amended, modified or revoked except by a writing signed by both parties.
- 12.7. Counterparts. This Agreement may be signed on any number of counterparts with the same effect as if the signatures were on the same instrument. The parties agree to conduct business by electronic means.
- 12.8. Governing Law. This Agreement shall be governed by Maine law.
- 12.9. Notices. Any notices required by this Agreement shall be in writing and be given:

To the City:

Edward A. Barrett, City Administrator
City of Lewiston
27 Pine Street
Lewiston, ME 04240

To Buyer:

Avesta Housing Development Corporation
307 Cumberland Avenue
Portland, ME 04101

or such other persons and addresses as a party may designate by notice to the other party. All such notices shall be effective upon receipt or refusal when delivered in person, by certified mail, return receipt requested or by delivery service providing proof of receipt.

12.10. Entire Agreement. This Agreement contains the entire and only agreement between the parties and no oral statements or representations or prior written matter not contained in this Agreement shall have any force and effect.

[SIGNATURE PAGE FOLLOWS]

Executed by the parties as of the date first written above

City of Lewiston

Avesta Housing Development Corporation

By: Edward A. Barrett
Its: Administrator
Dated: _____, 2020

By: Dana Totman, its President
Dated: _____, 2020

LEWISTON CITY COUNCIL
MEETING OF MAY 5, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 21

SUBJECT: Order, Authorizing the City Administrator to Execute a Collective Bargaining Agreement with the International Association of Firefighters Local #785.

INFORMATION:

The Lewiston Firefighters Association and City negotiators have been in negotiations for several months. Over the course of the negotiations, the two parties were working through a number of issues. After the arrival of COVID-19 in Maine the two parties discussed options of moving negotiations forward in effort to allow both parties the opportunity to focus on the public safety issues under the current pandemic. The parties also felt that such an agreement should be discussed in the context of limiting the number of issues on the table. Negotiations between city representatives and those of the union have reached a tentative agreement on a new, three year agreement that would go into effect on July 1, 2020. The agreement calls only for wage adjustments over the three year period.

The attached order to authorize the City Administrator to execute such an agreement.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

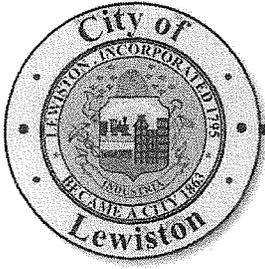
The City Administrator recommends approval of the requested action.

EA/B/kmn

REQUESTED ACTION:

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To approve the Order, Authorizing the City Administrator to Execute a Collective Bargaining Agreement with the International Firefighters Association.



COUNCIL ORDER

Order, Authorizing the City Administrator to Execute a Collective Bargaining Agreement with the Lewiston International Association of Firefighters Local #785.

Whereas. The City has been in recent discussion with the International Association of Firefighters, the bargaining agent for our Lewiston Firefighters; and

Whereas, all who participated in the development of the Local #785 Collective Bargaining Agreement believe that negotiations have produced a contract which is sensitive to the current economic climate and reflects the organizational goals and objectives of both the city Local #785

Whereas, as a result, the City's negotiators and union representatives have reached a tentative agreement on a three year contract covering the City's FY20 through FY23;

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

The City administrator is hereby authorized to execute a three year collective bargaining agreement with the International Association of Firefighters reflecting the attached terms and conditions.



EXECUTIVE DEPARTMENT

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

To: Mayor and City Councilors
From: Denis D'Auteuil, Deputy City Administrator
Date: May 5, 2020
Re: Proposed International Association of Firefighters contract

As you know, we have been working with the International Association of Firefighters to develop a successor collective bargaining agreement to replace the agreement that expired on June 30, 2019. We have held a meeting with the Patrol Unit representatives and the notable features of the new contract are:

- 3yr contract from July 1, 2020 to June 30, 2023
- COLA Adjustment:
 - 7/1/21 - 2.5%
 - 1/1/22 - .5%
 - 7/1/22 - 2.5%
 - 1/1/23 - .5%
 - 7/1/23 - 2.5%
 - 1/1/24 - .5%

COLLECTIVE BARGAINING AGREEMENT
between
CITY OF LEWISTON
and
LOCAL #785, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

| **July 1, ~~2017~~ to 2019 to June 30, ~~2019~~ 2022**

ARTICLE 1
PREAMBLE

Section 1.

This Agreement is entered into by and between the City of Lewiston, hereinafter referred to as the Employer and Local #785, International Association of Firefighters, hereinafter referred to as the Union.

Section 2.

It is the purpose of this Agreement to achieve and maintain harmonious relations between the Employer and the Union, to provide for equitable and peaceful adjustment of differences which may arise and to establish proper standards of wages, hours and other conditions of employment.

ARTICLE 2
RECOGNITION

Section 1.

The Employer recognizes the Union as the exclusive bargaining agent for all employees of the Fire Department except only the:

Fire Chief
Assistant Chief
Maintenance Technician
Administrative Secretary
Fire Prevention Clerk

Section 2.

The parties recognize that all persons in the bargaining unit as defined in Section 1, above, are "Firefighters". Solely for the ease of differentiating between the Firefighters who are assigned to duty on trucks and other Firefighters within the Department, there are, from time to time in this Agreement, references to "Firefighters" which will be deemed to refer to Firefighters assigned to duty on trucks, and references to "other employees" or a similar term, which will be deemed to refer to Firefighters who are not assigned to duty on fire trucks.

ARTICLE 3
PAYROLL DEDUCTION OF DUES

The Employer agrees to deduct, once each week, dues/fees in an amount certified to be current, by the Treasurer of the Union, from the pay of those Employees who individually request in writing that such deductions be made. The total amount of deductions shall be remitted by the Employer to the Treasurer of the Union. This authorization shall remain in force during the term of this Agreement.

ARTICLE 4
UNION SECURITY

Section 1.

Employees of the Fire Department shall have the right of joining the Union or refraining from doing so. No Employee shall be favored or discriminated against or coerced, restrained or influenced on account of membership or non-membership in the Association or by reason that his holding office therein or by reason of being a member of a collective bargaining committee of the Association and the Employer agrees that the provision of this Article shall be applicable to all persons to whom this Agreement applies without discrimination.

Section 2.

The City and the Union recognize that membership in the Union is not compulsory, but that the Union has the legal duty to represent all members of the bargaining unit. Therefore, it is agreed that Employees who choose not to belong to the Union shall be subject to one of the following options:

1. The Employee may sign a payroll deduction authorization form authorizing the deduction of eighty-five percent (85%) of the regular weekly Union dues; or
2. The Employee may elect to be represented by the Union on a fee-for-service basis. The Union may charge such Employee a reasonable fee for any requested services other than contract negotiation services, including reasonable fees for employee representative services, attorney's fees and costs and expenses and arbitrator's fees and expenses.

ARTICLE 5
WAGES

Section 1. Weekly Pay—Firefighters

In order to provide level rather than fluctuating weekly pay checks, the weekly pay for firefighters in the various grades within the rank for the weekly pay periods within the

duty periods or tours of duty as hereinafter defined, regardless of the number of duty days, shall be as follows:

Section 2. Pay Scale

The effective pay scale for all employees is listed in Exhibit D and is considered part of the contract.

NOTE: Advancement from one step to the next higher step to the top step stated in Exhibit D shall occur on the first pay period of July of each year.

Section 3. Pay Date

The Lewiston Fire Department weekly pay will be ready for pickup from Central Fire Station on Wednesday of each week so long as this is reasonably feasible under the City's electronic data processing system.

Section 4. EMS Implementation Pay

At the one year anniversary date of the implementation of the EMS program, all hourly wages will be adjusted by one percent (1%).

Section 5. Hazardous Material Stipend

All Firefighters possessing a valid Hazardous Material Technician Level Certification, or greater, will receive a stipend of \$15.00 per week.

ARTICLE 6

SPECIAL WAGES & STIPENDS

Section 1. Recall and Overtime Pay

Overtime shall be paid to all Fire Department personnel covered by this Agreement at the rate of one and one-half (1 ½) times their hourly rate. In the event of a recall to duty from an off-duty status, all Employees shall receive a minimum of two (2) hours of pay at the above overtime rate.

Section 2. Working Out of Classification

Any person covered by this Agreement, who is required to accept the responsibilities and carry out the duties of a position or rank above that which he normally holds shall be paid the difference between the highest pay of the rank he normally holds and the highest pay for that position or rank while so acting.

Section 3. Overtime Hours

Compensation for hours worked by a firefighter in excess of forty-two (42) hours in a duty period or tour of duty during the duration of this Agreement shall be at the rate of

one and one-half (1 ½) times their straight time rate, as determined under Article 5, Section 2 hereof.

Section 4. Replacements

Insofar as the maintenance of a minimum complement of three (3) Firefighters per operating piece of apparatus is concerned, off-duty personnel of equal rank from the out-going platoon shall have the primary obligation to perform replacement duty for an absent Firefighter of the same Company in instances where no qualified spare Firefighter is available; provided that if the Firefighter of equal rank on the out-going platoon does not wish to remain on duty for another day, he shall be permitted to seek a qualified substitute satisfactory to the Captain on duty and not disapproved by the Chief, whose approval shall not be unreasonably withheld.

Section 5.

Hours paid for absences for vacation, sick leave, and for leaves under Article 13 shall be counted as hours worked for purposes of overtime compensation under this Article.

Section 6.

An Employee required to remain on duty after the end of his shift shall be compensated at his overtime rate for the time he is required to remain.

Section 7.

An Employee failing to report for duty at the start of his shift, or leaving duty prior to the end of his shift (which may only be done with the consent of his duly authorized superior officer), shall only be paid for the time actually on duty. Any reduction of pay hereby provided shall not be exclusive of any disciplinary action required.

Section 8.

Notwithstanding the foregoing, if an Employee is held over at a fire, his overtime rate shall commence immediately.

Section 9. Recall and Overtime Pay – Fire Inspectors

Overtime shall be paid to all Fire Department Inspectors covered by this Agreement at the rate of one and one-half (1 ½) times their hourly rate for Monday-Friday recalls to duty. In the event of a recall to duty from an off duty status, all employees shall receive a minimum of two (2) hours of pay at the above overtime rate. Any recall to duty from 12:01 a.m. Saturday-12:01 a.m. Monday and during all recognized holidays shall be at rate of 2 times the Inspector's normal rate of pay and the Inspector shall receive a minimum of two (2) hours of pay at the above overtime rate. To facilitate operations, the Inspector will be provided with a department vehicle in which to respond to recall to duty status.

Section 9. Cell Phone Stipend

Effective July 1, 2016 on the first pay period of each month the Employer shall furnish to all Firefighters a monthly \$30 cell phone stipend which after the signing of this contract shall be paid on the condition that the Employee provide the City with his/her personal cell phone number for official business.

**ARTICLE 7
SICK LEAVE**

Section 1. Accumulation

Each member of the Fire Department shall be allowed to accumulate one and one-half (1 ½) days of sick leave per month for each month in which he is paid for a minimum of two (2) weeks, for a total of eighteen (18) days per year, accumulative to two hundred and twenty five (225) days. However, the civilian employees shall be allowed to accumulate one (1) day of sick leave per month for a total of twelve (12) days per year, accumulative to two hundred twenty five (225) days. After an Employee has been on Workers' Compensation for twelve (12) continuous months and is granted an extension as provided in Article 13, Section 4, such Employee shall not receive any further accumulation of sick leave. Upon retirement pursuant to the Maine Public Employees Retirement System (MePERS), an Employee shall receive compensation at his rate of pay at the time of retirement for one-half (1/2) the number of days to a maximum of ninety (90) of his/her unused sick leave.

Effective upon signing of contract, an Employee separating from employment due to a work-related injury/illness that has resulted in his/her absence from employment for any reason in excess of three hundred sixty-five (365) calendar days and shall cause a termination of employment and who has not achieved their 25th year of MePERS retirement, shall be reimbursed 75% of his/her sick leave accumulation that shall not exceed a maximum reimbursement of ninety (90) days sick leave.

Effective upon signing of contract, an Employee separating from employment due to a non-work related injury/illness that has resulted in his/her absence from employment for any reason in excess of three hundred sixty-five (365) calendar days and shall cause a termination of employment and who has not achieved their 25th year MePERS retirement, shall be reimbursed 50% of his/her total unused sick leave accumulation that shall not exceed the maximum reimbursement of ninety (90) days unused sick leave.

Section 2. Work Related Injuries

Absences due to on-duty injuries shall not be charged against accumulated sick leave except for those injuries defined in Article 8, Section 3 below.

Section 3. Sick Leave Incentive Pay

As an incentive to conserve sick leave, the City agrees to reimburse Employees effective June 1, 2014

- Payment under this plan will be the equivalent of one work week's regular pay (42 hours) per year which will be used to calculate payment under this revised sick leave incentive plan.
- All Employees who have not utilized sick leave since July 1, 2013 shall be paid the differential available under this new plan for all payments made under the old plan
- All other Employees who currently have uninterrupted work days without sick leave use shall be credited the time (not already paid through the sick leave incentive plan in effect in the prior contract)
- Incentive payments are to be paid at the Employee's ~~pro-rated~~ hourly wage based on a monthly percentage rate beginning at the third consecutive month of non-sick leave use in accordance with the schedule listed below:

3 consecutive months of no sick leave 15% of their regular weekly salary
4 consecutive months no sick leave 20% of their regular weekly salary
5 consecutive months of no sick leave 30% of their regular weekly salary
6 consecutive months of no sick leave 40% of their regular weekly salary
7 consecutive months of no sick leave 50% of their regular weekly salary
8 consecutive months of no sick leave 60% of their regular weekly salary
9 consecutive months of no sick leave 70% of their regular weekly salary
10 consecutive months of no sick leave 80% of their regular weekly salary
11 consecutive months of no sick leave 90% of their regular weekly salary
12 consecutive months of no sick leave 100% of their regular weekly salary

Payments over one sick leave incentive year shall only be issued upon the break of consecutive non-sick leave usage. Use of no less than one (1) day of applicable sick leave (or additional consecutive days of sick leave use) shall cause the employee to renew his/her sick leave incentive year. Sick leave incentive eligibility shall restart on the next calendar day following the last day of sick leave or shall begin no later than the next calendar day following twelve (12) consecutive months of non-sick leave use.

Employees meeting this criteria must submit their written request for said reimbursement. It is understood that sick leave used in conjunction with receiving Workers' Compensation benefits shall not be considered sick leave solely for the purpose of receiving the sick leave incentive.

Section 4. Caring for a Child

Employees may utilize up to twelve (12) days per year for children's sickness, provided the employee has the available sick leave. In addition, sick leave for catastrophic illnesses involving the employee's spouse and/or children may also be utilized to provide care to the extent of his accrued sick leave. Any leave in accordance with this section that is limited to less than twelve (12) hours per day of occurrence shall not invalidate an employee's eligibility for Sick Leave incentives.

ARTICLE 8
INSURANCE BENEFITS

Section 1. Liability Insurance

The Employer shall save harmless and indemnify an Employee of the Fire Department for loss, expenses or damages incurred by him for which he may be held or become liable by reason of personal injuries, including death, or property damage, to persons in connection with the performance of his duties as a Firefighter, and from damages to property or person, arising out of the operation of a Fire Department motor vehicle.

Section 2. Workers' Compensation Coverage

The Employer shall provide Workers' Compensation coverage to its Employees, as defined under the Maine Workers' Compensation Act and Occupational Disease Law and Amendments thereto.

Any Firefighters paid Workers' Compensation benefits shall also be paid in addition thereto, the difference between the compensation benefits and his full weekly wages (except for those injuries defined in Section 3 below). A Firefighter who is working overtime or as a replacement, and is injured on duty, shall be paid the overtime or replacement pay for the entire shift.

Section 3.

Injuries occurring to Firefighters due to negligence or inattentiveness on the part of the injured Employee, as determined by a majority of the Department Safety Committee to be composed of an equal number of bargaining unit and non-bargaining unit Employees, may have the difference between his Workers' Compensation payments and his full weekly salary charged to accumulated sick leave.

Section 4. Maine Municipal Employees Health Trust

Effective upon signing of contract and upon the implementation date for PPO 500, the Employer shall make available and pay for its portion of the the Maine Municipal Employees Health (MMEHT) Preferred Provider Organization (PPO) 500 Plan monthly premium cost in accordance with Article 8, Section 7. The Employer reserves the right to convert said coverage to another carrier or other coverage which provides substantially equal or better coverage. All Employees shall pay their portion of the PPO 500 health insurance premium in accordance Section 7 of this Article.

It is understood that the term applicable premium refers to all available plans-Single Employee only, Employee and spouse, Employee with children, Employee & spouse with children plan, or any of the other available plans.

Effective upon signing of contract and upon the implementation date for PPO 500, Employees electing the MMEHT Point of Service (POS) C Plan will pay the full monthly cost difference between PPO 500 and POS C plan coverage.

Section 5. Health Insurance Arrangement*

Effective upon signing of contract and upon the implementation date for PPO 500 and only for Employees in the MMEHT PPO 500 health insurance plan, the Employer shall contribute funds to the Employee's Health Reimbursement Arrangement in accordance with the following schedule: \$1,000 Single Plan; \$2,000 Family Plan; \$2,000 Employee/Spouse Plan; and \$2,000 Employee with Child Plan. Eligible reimbursements will be based upon approved IRS eligible expenses outlined in Exhibit G for Health Reimbursement Arrangements and Flexible Spending Accounts. Exhibit G is subject to change based on IRS directed changes to the list of eligible expenses.

Effective no earlier than July 1, 2017, HRA will increase in accordance with the following schedule: \$1,200 Single Plan; \$2,400 Family Plan; \$2,400 Employee/Spouse Plan; and \$2,400 Employee with Child Plan.

* Annual Employer's Health Reimbursement Arrangement contributions are each calendar year (January 1-December 31) in accordance with above. Employee expenses incurred but not yet billed or submitted for claim prior to December 31st will be available for reimbursement up to 120 days beyond the end of the calendar year.

Section 6. Wellness and Health Care Management System Program

Effective upon signing of contract, Employees who voluntarily participate in the Exhibit E Wellness & Health Care Management System Program shall receive applicable health insurance percentage reductions that may lower their Maximum Health Insurance Payment (MxHIP) in Section 7.

Section 7. Maximum Health Insurance Payment

Effective upon signing of contract and upon the implementation date for PPO 500, the Employer shall pay no more than 85% of the PPO 500 monthly premium costs and all Employees shall contribute no more than the Maximum Health Insurance Payment (MxHIP) of 25% of the Employers full monthly health insurance premium cost which may be reduced through their voluntary participation in the Exhibit E City Wellness and Health Care Management program which may reduce the Employee premium payment to 15% of the total Employer full monthly premium by qualifying for applicable Category percentage credits listed in Wellness and Health Care Management System Program.

Effective upon signing of contract, all Employees electing MMEHT POS-C health insurance coverage must pay the full monthly premium difference between the applicable Employee MxHIP payment share for MMEHT PPO 500 coverage, less any applicable credits, and the difference between PPO 500 and POS C plan coverage.

Section 8. Health Insurance Employee Premium Caps

Effective upon the signing of contract and upon the implementation date for PPO 500, the Employee health insurance premium cap in Table 1 (below) shall be applicable. Premium payments between 15% and 25% shall be determined by the employee and (if applicable) spouse’s participation in the Wellness and Health Care Management Program.

Table 1. – Weekly Employee Health Insurance Premium Payment Caps

Effective at the signing of the contract thru 1/1/2019.

% Minimum	
Rate – 15%	\$95.16
MxHIP	
Rate – 25%	\$154.54

Section 9. Health Insurance Bridge

Health insurance coverage shall continue for a period of one (1) year for retired Employees who qualify according to the following:

1. The Employee shall have retired within six (6) months of the first eligible day possible for retirement pay, or
2. Employees may opt for the cash value of the health insurance coverage, based on actual coverage provided on January 1st of the year of the retirement, less the applicable co-pay requirement.

This section only applies to those Employees that are enrolled and eligible to retire voluntarily under MePERS.

Effective upon signing of contract and upon the implementation date for PPO 500, the Employer shall make available and pay for the PPO 500 Plan. The Employer reserves the right to convert said coverage to another carrier or other coverage, which provides substantially equal or better coverage. All retired Employees shall pay a portion of the PPO 500 health insurance premium consistent with the current Employees and in accordance with Section 7 of this Article.

Section 10. Light-Duty Assignments

Whenever a Firefighter is returned-to-work in a light-duty position by the health care provider as a result of a Workers’ Compensation injury, the City and the Union shall meet to determine the type of work that is best suited for the injured Firefighter and the hours of work. This program is intended to be non-punitive in its handling of the injured worker.

Section 11. Deferred Compensation

Employees will have the option of participating in a deferred compensation program administered by either Massachusetts Mutual Life Insurance Company (MassMutual) 457, Maine START 457, or the International City Managers Association (ICMA) 457 programs.

Employee contributions shall be deducted weekly and transmitted to the respective provider(s) on a weekly basis so long as the Employer and provider of the deferred compensation program can accommodate such contributions.

Section 12. Flexible Benefits Plan

A flexible benefits plan shall be made available to the Employees as allowed under Section 125 of the Internal Revenue Code. Participation shall be regulated in accordance to the plan document. In addition, effective January 1, 2006, the City will contribute, annually, \$200 in the Medical Spending Account for Employees who are participating in the Health Care Program. Spouses and children are not required to participate to qualify for this reimbursement.

Section 13. Retirement Savings (RHS) Plan

Effective January fifteenth (15th) of each year, Employees shall contribute unused accumulated sick leave to a Retirement Health Savings (RHS) Plan. Contributions to the Retirement Health Savings Plan are as follows*:

216-432	2008-1 day	2009 forward-1 day
432-649	2008-2 days	2009 forward-3 days
650-865	2008-4 days	2009 forward-5 days
866-1082	2008-5 days	2009 forward-6 days
1083-1298	2008-6 days	2009 forward-7 days
1299+	2008-7 days	2009 forward-8 days

Participation in the plan is mandatory for all employees per IRS Rules.

Payments to the RHS Plan shall be made in July of the same year as it is withdrawn from the Employees' sick leave balances.

***Effective January 15, 2013 individual RHS contributions as of January 15th of each year will be reduced 8.75% and will be deposited in July of that year using the individuals basis hourly rate in effect on January 15th.**

ARTICLE 9
WORKWEEK AND MANPOWER

Section 1. Workweek (Firefighters)

The average workweek for all Firefighters for the duration of this Agreement shall be forty-two (42) hours per week utilizing the so-called K-Day System as set forth in Exhibit A, attached hereto and incorporated herein.

The City will assign no more than 2 department replacement personnel utilizing the so-called K-day System 24 hour daily and a resultant 42-hour weekly schedule.

Section 2. Manpower

- a. The Employer shall employ a sufficient number of firefighting personnel to constitute three (3) platoons. The Employer shall also determine the number and type of firefighting apparatus to be used. Each platoon shall consist of a minimum strength roster as follows:
- b. One (1) Captain, no less than five (5) Lieutenants and a sufficient number of Privates necessary to meet the requirement to man each piece of firefighting equipment with a minimum of three (3) Firefighters for each operational vehicle with the exception of the Captain that will be assigned to a vehicle in addition to the above minimum requirement.
- c. In compliance with Article 9(2)(d) a minimum daily staffing requirement of 17 firefighters shall be required and met within one-hundred and eighty (180) days of the signing of this contract. This will include no less than five (5) Lieutenants and 11 Privates necessary to meet the requirement that each piece of operational firefighting equipment will be staffed with a minimum of three (3) Firefighters in addition to the Captain who will be assigned to an Incident Command Vehicle.
- d. The staffing level outlined above in sub-section c. will not be in effect during any period in which either of the following conditions exist: (1) the City General Fund's total unassigned fund balance falls below 8% of general fund revenues, such revenues to be measured on a Generally Accepted Accounting Principles basis, or (2) the City's state adjusted property tax rate rises to more than \$28 per thousand of assessed value, such rate to be computed as follows: the total tax levy (city, school, county, and overlay) divided by the sum of the most recent equalized just value of the City of Lewiston as determined by the Maine Revenue Service, said sum divided by 1,000. The required staffing level shall remain in abeyance until 180 days after information becomes available to the City indicating that neither of the conditions outlined in (1) and (2) above remain in effect.
- e. In the event that either of the conditions in sub-section d exist each platoon shall consist of a minimum strength roster as follows: One (1) Captain, no less than five (5) Lieutenants and a sufficient number of Privates necessary to meet the

requirement to man each piece of firefighting equipment with a minimum of three (3) Firefighters for each operational vehicle with the exception of the Captain that will be assigned to an Incident Command vehicle in addition to the above minimum daily staffing requirement of 16 firefighters.

In the event of implementation of an EMS transport system, the manpower shall be modified to require a minimum of two (2) per rescue/ambulance.

Section 3. Fire Inspectors/Investigators

Effective upon the signing of this contract, a minimum of one Fire Inspector/Investigator shall be employed for a workweek of forty (40) hours per week Monday – Friday 0800-1600.

Section 4. Training

Senior Lieutenant / Training Officer Duties:

The duties of the Senior Lieutenant / Training Officer shall be assumed by the senior in rank Lieutenant stationed at Central Station on either Engine 7 or Ladder 1. He/she shall be responsible to supervise, manage and coordinate department training as detailed in the Monthly Training** schedule every Tuesday, Wednesday and Thursday, excluding recognized holidays, between the hours of 09:00-and 15:00, which shall include adequate time for a lunch period. He/she shall also be responsible for facilitating and delivering daily department skills training utilizing the most current recognized MFTE curriculum of Firefighter Fundamental Skills Program and/or similarly recognized resources as a course delivery guide. He/she shall be responsible for the completion of the training roster for the related subject(s) of that day. The Labor Management Committee, on a quarterly basis, shall determine the skill-training topics to be delivered with the goal of providing training based on Company Officer Level subjects that meet the needs of the Lewiston Fire Department. Senior Lieutenant/Training Officer on duty will be compensated \$85.00 for that day effective June 30, 2014.

*** Specialty Training Days (Haz-Mat refresher as an example) will be afforded the flexibility to be scheduled prior to and beyond the regular company officer training period of Tues-Wed-Thurs.*

Training Support Staff:

The Lewiston Fire Department training staff shall be augmented by qualified off-duty Lewiston Fire Department Employees instituting an agreed upon annually evolving curriculum that shall be developed and approved through the Labor Management Committee, delivering an annual minimum of 80 hours of specialized department training. The training shall have an emphasis on fire ground based education to ensure that firefighters are able to perform their assigned duties in a manner safe to themselves and others.

Staff Selection:

The selection of the training staff shall provide for an adequate number to accommodate the rotating platoon schedule and the requirements/operations of a particular course to insure sufficient staffing** to safely deliver the course. The number of training staff shall be determined by the Chief or his designee.

Assignments shall be on a voluntary basis through a fair and equitable rotation, as agreed upon by the parties, amongst individuals who are qualified to perform the assignments.

*** Off duty firefighters may be used as replacement for on duty firefighters who would fill the role as training support staff in the interest of expedited course delivery.*

New Employee Training:

It shall be the primary role of the Training Support Staff to provide training for all new employees that meets the Minimum Safety Standards for Firefighters per MRS Title 26, Chapter 28. New Employee Training shall be delivered within a 60 day period beginning at date of hire. New employee training shall not be factored towards the 80 hour specialized training.

Senior Lieutenant / Training Officer Assignments:

- Each of the current Lieutenants assigned to Central Station, Engine 7 or Ladder 1 shall maintain their ability to remain in their current assignment.
- Central Station Lieutenants opting not to serve as the Senior Lieutenant/Training Officer shall not be required to do so based upon the one-time declaration period*
- As they become available, Central Station Lieutenant Positions will be filled in accordance with the bidding process in which Training Officer duties may be a responsibility of that position**.
- **Declaration period defined- Within 14 days of the signing of the collective bargaining agreement the current platoon roster as of the date of the expiration of these 14 days will be the benchmark regarding Platoon seniority for Training Officer eligibility. This eligibility will require the submission of a one-time letter of interest/eligibility of Lieutenants who are interested in filling the Lieutenant training position based on Platoon Seniority basis only regardless of apparatus assignment.*
- ***Platoon based seniority shall be maintained by those interested in the training officer position regardless of assignment as long as they maintain their current assigned platoon assignment.*
 - Any change of current platoon assignment will void this seniority tenure and would require the occupation of either Engine 7 or Ladder 1

positions to continue seniority training officer status, transfers out of tenure without assumption of Engine 7 or Ladder 1 would limit eligibility based upon either the unavailability of a tenured Lieutenant that maintained their platoon assignment and or the unavailability of a Central Station Lieutenant that has bid for the position after the implementation of the declaration period or retained tenure status.

- o Declaration status and order of tenure shall be based upon platoon only and will not be a carry over to overtime situations, swapping of shifts.
- o Tenure status shall only be awarded to current Lieutenants.

Section 5. Fire Ground Operations

The Lewiston Fire Department recognizes the National Incident Management System (NIMS) as its standard for the efficient organization of emergency incident delivery within its jurisdiction and for the development and implementation of this policy for safe fire ground operations. Any confirmed structure fire (Condition Yellow or Red) will require the establishment of the following sectors based on the availability of On-Duty Firefighters and Recall Personnel . Whenever possible, these sectors will be filled by uniformed Lewiston Association firefighters:

- Command (On duty Captain)
- Rear Sector (Recall Officer)
- Staging (Recall Captain located at Central Station)
- Safety Officer
- Operations Officer

**ARTICLE 10
HOLIDAYS AND HOLIDAY PAY**

Section 1. Holidays Recognized and Observed

Effective upon the signing of this contract and in addition to their regular weekly salary, all firefighters shall be paid within the pay period observed 8.4 Hours of straight time for the following holidays. All Firefighters working on any of these holidays shall be paid 12.4 hours of straight time:

New Year's Day	paid for that day
Martin Luther King Day	paid for the day observed nationally
Washington's Birthday	paid for the day observed nationally
Patriot's Day	paid for the day observed in New England
Memorial Day	paid for the day observed nationally
Independence Day	paid for that day
Labor Day	paid for that day

Columbus Day	paid for the day observed nationally
Veteran's Day	paid for that day
Thanksgiving Day	paid for the day observed nationally
Day After Thanksgiving	paid for that day (Effective 2008 calendar year)
Christmas Eve	paid for that day
*Christmas Day	paid for that day

*In addition to the above, the Firefighters on duty on Christmas Day shall also receive six (6) additional hours of pay at straight time. In the event that a Firefighter is obligated to perform replacement duty for a twenty-four (24) hour period pursuant to Article 6, Section 4, the six (6) straight time hours noted above shall be paid at double time.

Section 2. Holiday Pay for Civilian Employees

Civilian employees shall receive one (1) day's pay for each of the holidays listed above on which they perform no work.

**ARTICLE 11
VACATION**

Section 1. Accrual for Firefighters

Employees shall accrue paid vacation time on the following basis:

A Firefighter shall accrue paid vacation for each month for which he is compensated for at least a minimum of two (2) weeks upon the following schedule. After an Employee has been on Workers' Compensation for twelve (12) continuous months and is granted an extension as provided in Article 13, Section 4, such Employee shall not receive any further accumulation of vacation.

- a. A Firefighter with fewer than five (5) full years of service, one-half (1/2) of a scheduled working day of vacation leave for each month but not to accrue more than five (5) scheduled duty days of vacation leave per year.
- b. A Firefighter with five (5) or more but fewer than twenty (20) full years of service, three-fourths (3/4) of a scheduled working day of vacation leave for each month, but not to accrue more than eight (8) scheduled duty days of vacation leave per year.
- c. In view of the fact that Firefighters are required to be absent from their homes for many more hours than other City Employees, a Firefighter with more than twenty (20) full years of service, one and one-quarter (1 1/4) scheduled working days of leave for each month, but not to accrue more than ten (10) scheduled duty days of vacation leave per year.

Section 2. Granting of Leave for Firefighter (Pvt. & Lt. Only)

Vacation leave accumulation during one year shall be granted during the following year and shall not be cumulative; provided, however, that an Employee who is prevented by requirements of the Department from taking his vacation in such following year, shall take the same in the ensuing year at such time as will not conflict with the regular vacation schedule for such ensuing year. However, Firefighters attaining either their fifth (5th) or twentieth (20th) anniversary with the Department shall be allowed to take such additional vacation time the same year as the anniversary but only after said date.

All Privates and Lieutenants covered by this Agreement shall be entitled to annual vacations as set forth in this Article.

- (a) Departmental seniority shall be the governing factor in the choice of vacation dates by the members of each platoon.
- (b) Vacation list shall be posted from January 1 of each year. It shall consist of consecutive two (2) week periods, beginning with the first full calendar week commencing in January.
- (c) No more than four (4) Employees per platoon may be on vacation at any time. In the event of Implementation of an EMS Division, no more than an additional two (2) Employees from the EMS Division may be on vacation at any time (based on full implementation of the anticipated three rescue units).
- (d) Employees within the Fire Alarm Division and the Bureau of Fire Prevention may select their vacations without reference to the vacations scheduled in the three (3) platoons.
- (e) Starting on March 1, the Employer or designee shall contact all firefighting personnel for choosing of vacations on departmental seniority but within the platoons between March 1 and March 14. This completed list of names shall be posted by March 21.
- (f) After all Employees within a platoon have selected either a one (1) or two (2) week vacation period, those Employees who are entitled to an additional week(s) of vacation shall be contacted on a seniority basis for the purpose of selecting their second (2nd) or third (3rd) week.
- (g) After all Employees within a platoon, who are entitled to a third week of vacation have selected such week, those Employees who are entitled to a fourth week of vacation shall be contacted on a seniority basis for the purpose of selecting their fourth (4th) week.
- (h) Any Employee who shall fail to choose his vacation upon being contacted under the provision of paragraph d, e, f, or g, above, shall forfeit his turn on the seniority list for the purpose of said paragraph and choosing a vacation period shall

continue with the next member in line of seniority. Such person shall be placed at the end of the seniority list for the purpose of making selection under such paragraph or paragraphs.

- (i) The additional week(s) of vacation may be taken by those Employees entitled to them during any weeks when fewer than four (4) other Employees within the platoon will be on vacation regardless of whether the additional week(s) will be "long" or "short" and regardless whether such weeks will be consecutive with such Employee's two-week period. Any Employee may elect to reserve from selection up to four (4) days during this process that may be utilized during the current calendar year as long as they conform to the requirement of this Section (i). The request for utilization of any reserve day(s) shall be communicated at least twelve (12) hours in advance of the requested date and followed by a written or electronic request. Reserved vacation days voluntarily carried over into the subsequent year shall be selected and taken by February 28th of the subsequent year. At that time the reserved vacation days will expire. Reserved vacation day request after 4:00 pm Weekdays, and on Weekends and Holidays shall be directed to and processed by the On Duty Captain.
- (j) For the purpose of vacation picking, only the actual vacation day, and not K-days, shall be used to lock-out that date.

Section 3. Granting of Leave for Firefighters (Captains Only)

Vacation leave accumulation during one year shall be granted during the following year and shall not be cumulative; provided, however that an Employee who is prevented by requirements of the Department from taking his vacation in such following year, shall take the same in the ensuing year at such time as will not conflict with the regular vacation schedule for such ensuing year. However, Firefighters attaining either their 5th or 20th anniversary with the Department shall be allowed to take such additional vacation the same year as the anniversary but only after such date.

All Captains covered by this Agreement shall be entitled to annual vacations as set forth in this Article.

- (a) Departmental seniority shall be the governing factor in the choice of vacation dates by each Captain.
- (b) Vacation list shall be posted from January 1 of each year. It shall consist of consecutive two (2) week periods, beginning with the first full calendar week commencing in January.
- (c) No more than one (1) Captain may be on vacation at any time.
- (d) Starting on March 1, the Employer or designee shall contact all Captains for choosing of vacations on a Departmental seniority between March 1 and March 14. This completed list of names shall be posted by March 21st.

- (e) After all Captains have selected their one (1) or two (2)-week vacation period, those Captains who are entitled to an additional week of vacation shall be contacted on a seniority basis for the purpose of selecting their additional week(s). Any captain may elect to reserve from selection up to four (4) days during this process that may be utilized during the current calendar year as long as they conform to the requirement of this Section (e). The request for utilization of any reserve day(s) shall be communicated at least twelve (12) hours in advance of the requested date and followed by a written or electronic request. Reserved vacation days voluntarily carried over into the subsequent year shall be selected and taken by February 28th of the subsequent year. At that time the reserved vacation days will expire. Vacation day request after 4:00 pm Weekdays, and on Weekends and Holidays shall be directed to and processed by the On Duty Captain.
- (f) After all Captains who are entitled to an additional week of vacation have selected such week, those Captains who are entitled to an additional week of vacation shall be contacted on a seniority basis for the purpose of selecting their fourth week.
- (g) Any Captain who shall fail to choose his vacation upon being contacted under the provisions of paragraph d, e, or f above shall forfeit his turn on the seniority list for the purpose of said paragraph and choosing a vacation period shall continue with the next member in line of seniority. Such person shall be placed at the end of the seniority list for the purpose of making selection under such paragraph or paragraphs.
- (h) The additional week(s) of vacation may be taken by those Employees entitled to them during any weeks when fewer than one (1) Captain will be on vacation regardless of whether the additional week(s) will be "long" or "short" and regardless whether such weeks will be consecutive with such employee's two (2)-week period.
- (i) For the purpose of vacation picking, only the actual vacation day, and not K-days, shall be use to lock-out that date.

Section 4. Accrual for all Other Employees

All other Employees shall accrue paid vacation time upon the following schedule:

- a. An Employee with fewer than five (5) full years of service, one (1) day of vacation leave for each month.
- b. An Employee with five (5) or more but fewer than twenty (20) full years of employment, at the rate of one and one-half (1 ½) days of vacation leave for each month.
- c. An Employee with twenty (20) full years of employment, at the rate of one and three-quarters (1 ¾) days of vacation leave for each month.

Section 5. Granting of Leave for all Other Employees

Vacation leave may be taken by an Employee at any time after its accrual, subject to the approval of his Department Head. Each Employee may accumulate vacation leave to a maximum of thirty-two (32) days; thereafter, any and all vacation leave that would otherwise accrue shall be lost.

Section 6. Additional Vacation Days

- (a) The parties have agreed to grant additional vacation days to all Firefighters The additional days are as follows:
 - a. A Firefighter with fifteen (15) or more but fewer than twenty (20) full years of service, shall receive one (1) additional scheduled working day of vacation leave for each year, but not to accrue more than nine (9) days of vacation leave per year.
 - b. A Firefighter with more than twenty (20) full years of service, shall receive one (1) additional scheduled working day of vacation leave for each year, but not to accrue more than eleven (11) scheduled duty days of vacation leave per year.
 - c. Effective 7/1/14, a Firefighter with more than twenty-five (25) full years of service, shall receive one (1) additional scheduled working day of vacation leave each year, but not to accrue more than twelve (12) scheduled duty days of vacation leave per year.

Section 7. Vacation Accrual / Retirement Year

For retiring Employees only, effective the year of actual retirement, they shall be credited the full amount of vacation days due that year on January 1.

Section 8. Vacation Deferment

An Employee with twenty years (20) of service and who will be eligible for retirement benefits, as outlined in Article 25, may elect to defer a total of six (6) days of his/her vacation accumulation. He/she may elect to defer vacation days each year once attaining 20 years of service up to his/her 25th year in any amount to not exceed a cumulative balance of 6 days. This election must be presented before March 1st of each year to be granted this deferment. This shall be a ONE TIME election, and if a member chooses not to make application for the retirement benefits after 25 years of service, s/he may utilize all vacation accumulations in the following year or the deferred days may remain in such status until selected or until retirement occurs. These days are not eligible for selection outside the annual vacation selection process.

ARTICLE 12
GRIEVANCE PROCEDURE AND ARBITRATION

Section 1. Grievance Procedure

Grievances or disputes which may arise, including the interpretation of this Agreement, shall be settled in the following manner:

Step I. The aggrieved shall present his grievance, in writing, to the President of the Union. The President, in turn, shall submit the same to the Fire Chief or Assistant Chief in charge of the Department and the Grievance Committee of the Union, within five (5) calendar days of receipt. The Chief or his designee shall deal with the grievance and shall render his decision, in writing, not later than the seventh (7th) calendar day following the day the grievance was received.

Step II. If the decision of the Fire Chief is not satisfactory, an appeal may be lodged, in writing, to the City Administrator or designee through the Fire Chief, by the President or the Vice President of the Association, within seven (7) calendar days of the Fire Chief's decision. The City Administrator or designee and the Association's representative(s) shall meet and discuss the grievance within fifteen (15) calendar days of said appeal. The City Administrator or designee shall consider this appeal, and his recommendation for decision shall be reduced to writing and mailed to the Union, with a copy to the grievant, not later than ten (10) calendar days after meeting with the Association's representatives. The Union shall likewise, if necessary, respond, in writing, to the City Administrator or designee within ten (10) calendar days after such meeting.

Step III. No appeal may be taken for a period of seven (7) days after receipt of the decision from the City Administrator or designee. If the Union is not satisfied with said decision after the expiration of the seven (7) day period, it may then submit the grievance to arbitration pursuant to the procedures set forth in Section 2 hereof within sixty (60) days.

Section 2. Arbitration Procedure

All claims, demands, disputes, differences, controversies and misunderstandings arising under, out of or in connection with or in relation to terms and conditions of this Agreement or as to its performance, including but not limited to or by unresolved grievances under Section 1 and 2 above, shall be submitted to, and be determined by arbitration in accordance with the following procedure:

Step I. Within seven (7) calendar days after notice given by one party to this Agreement by the other, the City and the Union shall select and name one (1) neutral arbitrator who will make a final decision regarding the grievance. Either Party may exercise the option to have a panel of three (3) arbitrators hear the grievance and render a final decision. If only one Party invokes tripartite arbitrations, the Party shall pay all of the fees and expenses of the two (2) arbitrators who are chosen as City and Association arbitrators, and shall also pay one-half of the fees and expenses of the neutral arbitrator.

Step II. If, on the expiration of the seven (7)-calendar day period the parties are unable to agree upon the selection of a neutral arbitrator, the arbitrator shall be selected from a panel submitted by the American Arbitration Association in accordance with the American Arbitration Rules of Procedure. The decision of the Arbitrator shall be final and binding upon both parties and expenses of such hearing, including the cost for the list of arbitrators, shall be borne equally by both parties. The Arbitrator shall convene a hearing as soon as possible after his appointment, but not less than seven (7) days after notice to each of the parties as to the time and place of the hearing, unless operating under established agency rules such as the AAA Rules of Procedure.

Step III. The Arbitrator shall make his findings and award within thirty (30) days of the conclusion of the hearing, and shall render written findings and opinions on the issues presented, a copy of which shall be mailed to the designated representatives of each side.

Step IV. The time limits set forth herein are intended to be strictly adhered to and jurisdictional in nature. Therefore, they shall not be waived or set aside by an arbitrator, except for such good cause as he may find that constitutes a disability upon a party to adhere to these time limits. It is agreed that the time limits herein shall be strictly adhered to unless waived and extended, in writing, signed by a representative of both parties.

Section 3. Retroactivity

The adjustment of a grievance or an arbitration award will not have a retroactive effect regarding back pay for a period extending in excess of thirty (30) days prior to the initial presentation of the grievance under Step I.

ARTICLE 13

LEAVE OF ABSENCE AND SPECIAL LEAVES

Section 1. Funeral Leave

Any member of the Department who suffers the loss of either a spouse, child, father, mother, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, step-parents, step-child, step-brother or step-sister will be allowed time off with pay from time of death to interment, providing it does not exceed four (4) calendar days.

Section 2. Union Business

The Fire Chief shall grant release time, without pay, not to exceed one (1) member at any one time, as designated by the Association, to attend Union Conventions, Seminars or other Union business.

Section 3. Negotiations

Up to three (3) members of the negotiating team shall be allowed time off without loss of pay for all meetings which shall be mutually set by the Employer and the Union.

Section 4. Maximum Leave

An Employee who is absent from his employment because of illness or injury, whether or not arising out of his employment, or because he shall have been granted leave of absence for any other reason, shall retain his status as an Employee, for a period of twelve (12) months (in addition to his accumulated sick leave in the case of an absence for non-occupational illness). His status as an Employee may be extended for further periods at the discretion of the Employer upon written notice of the Union prior to the expiration of said twelve (12) month period. Any extension shall be for a stated period and any subsequent extension must be granted prior to the expiration of such stated period and must be made upon written notice to the Union.

Section 5. Military Leave

Military leave shall be granted to members of the Department for annual military training. Personnel on annual military training shall be paid the difference between their military pay and what their Fire Department pay would have been. Military pay shall include the individual's pay plus subsistence and quarter's allowance. The individual shall submit itemized listings of the above which shall be signed by his Commanding Officer or Personnel Officer. Military pay shall be limited to one (1) summer camp period per year.

Section 6. Unpaid Personal Leaves of Absence

It is recognized that Employees may request leave from their jobs for personal reasons other than medical. The Employer shall attempt to accommodate such requests based on the merits of the leave and the best interest of the City. The Employees past record and the purpose for which the leave is requested shall be considered for granting such leave. During such leave period whereby an Employee is not paid at least two (2) weeks in any month, the accrual of vacation and sick leave shall cease and the Employee shall pay the cost of health and life insurances.

Section 7. Jury Duty Pay

A leave of absence with pay, only if on duty, shall be granted to an employee called for jury duty. The City will pay the difference between the juror's pay and the employee's regular rate of pay. An employee required to report for jury duty but then not detained by the Court shall immediately return to his regular place of employment with the City.

Section 8. Witness Duty Pay (not related to the Employees' duties as a Firefighter)

A leave of absence with pay, only if on duty, shall be granted to an Employee called as a witness to a case (wherein the Employee is not a plaintiff or a defendant in the case). The

City will pay the difference between the witness fee and the Employee's regular rate of pay. An Employee required to report for witness duty but then not detained by the Court shall immediately return to his regular place of employment with the City.

Section 9. Witness Duty Pay (related to the Employees' duties as a Firefighter)

A leave of absence with pay, if on duty, shall be granted to an Employee called as a witness to a case (wherein the Employee is not a plaintiff or a defendant in the case). Should the Employee be off duty, he shall be paid at his overtime rate for the time he is detained by the Court plus reasonable travel time. The City will pay the difference between the witness fee and the Employee's rate of pay. If on duty, an Employee required to report for witness duty but then not detained by the Court shall immediately return to his regular place of employment with the City.

Section 10. Family Medical Leave Act

Employees are entitled up to a total of twelve (12) weeks of family medical leave as provided under the Family Medical Leave Act. These leaves shall be unpaid unless the Employee elects to use accumulated vacation leave and/or accumulated sick leave, except when the Employee is receiving Workers' Compensation benefits. In such instances, the Employer may designate all or part of the Workers' Compensation indemnity benefits as leave provided by the Family Medical Leave Act.

ARTICLE 14

HOLIDAY MEAL HOURS

Firefighters on duty on Thanksgiving, Christmas, New Year's Day and Easter, shall be granted a two (2)-hour meal leave, provided that the Fire Chief deems it practical to grant the same; the time of such leave to be assigned according to seniority. Firefighters on duty on Christmas Eve shall be granted a two-hour leave to be taken between the hours of 3:00 pm and 2:00 am, provided that the Fire Chief deems it practical to grant the same; the time of such leave to be assigned according to seniority.

ARTICLE 15

CLOTHING ISSUE AND ALLOWANCE

Section 1. General Policy

The Employer shall continue to maintain the policy of purchasing and issuing any and all items of firefighting gear and other clothing to firefighting personnel. The Employer shall budget the sum of twelve thousand dollars (\$12,000) in the Personal Clothing Account (345) and ten thousand dollars (\$10,000) in the Department Clothing Account (346) to purchase firefighting clothing. All clothing issued to members of the Fire Department shall remain the property of the Employer. Neither the Union nor any individual shall interpret the fact that a certain sum of money is budgeted as being a sum allocated to any one person in the Department. All monies budgeted are for the good of the whole Department and no fund shall be expended for clothing unless approved by the Chief.

Firefighters leaving the employment of the Employer shall turn in all issued clothing. Whenever an individual becomes a permanent Firefighter, the Employer shall pay for one-half (1/2) the cost of the dress or Honor Guard uniform, blue blouse and blue trousers.

Section 2. Clothing Issue

The Employer shall provide each Employee of the Fire Department covered by this Agreement with the following clothing and equipment as needed, and shall replace the same when destroyed in the course of firefighting or training activities: (Note: All firefighting clothing and equipment used shall be no less than NFPA approved).

- 1 SCBA facemask with eye glass kit with storage bag
- 1 safety helmet with ear flaps, equal or superior to Cairns 1044
- 1 firefighting coat with lining
- 1 pair of bunker pants with suspenders
- 1 pair of leather Firefighting boots
- 1 Nomex hood
- 2 pairs each of gloves, equal or superior to Firecraft with Gore-Tex liner
- 1 heavy duty insulated jacket to match work uniforms and to be equal or superior to Blauer Style No. 9626
- 1 navy watch cap
- 1 uniform cap (Boston Bell type) with badge
- 1 pair of safety glasses

The Employer shall annually provide each Employee of the Fire Department covered by this Agreement with six (6) credits for the purchase of clothing and equipment set forth below. The Employer shall go out for bid prior to March 15th of each year with respect to said clothing and equipment. All such clothing and equipment shall be worn only in the performance of departmental duties and if any such clothing or equipment shall need replacement within one year, except as a result of ordinary wear and tear, it shall be replaced by the Employer:

First year Employee(s) shall receive eight (8) credits. First year Fire Prevention Employee(s) shall receive ten (10) credits.

Uniform Blauer Shirt (short and long sleeve - 100% cotton NFPA certified)	2 Credits
Uniform Trousers (100% cotton NFPA certified)	2 Credits
Tru-Spec – EMS/Tactical	1 Credit
Uniform Job Shirt	2 Credits
Uniform Shorts	1 Credit
Staff Shirt (Outer Banks #5030)	1 Credit
5.11 Response Long Sleeve Tee	½ Credit
5.11 Response Short Sleeve or equal	½ Credit
Baseball Cap	½ Credit
Leather Work Gloves	½ Credit

All clothing items listed above with the exception of the discontinued items will interchangeable, current employee stock of previously issued clothing shall be in accord with the dress code until June 30, 2016

*July 1, 2016 Tru-Spec EMS-Tactical will require 1.5 credits

The above items may be substituted for "equal to or better than" by mutual agreement.

Section 3. Personal Clothing Damaged

The Employer should reimburse each member covered by this Agreement for the reasonable value of the loss of or damage to his personal shirt, trousers, sport coat or suit coat while responding to a multiple alarm from an off-duty status in cases where the Fire Chief determines that such items are no longer serviceable. In his discretion, the Fire Chief may require that the items be turned into the Department for disposal.

Section 4. Clothing Allowance

In addition to the above, Employees shall receive an annual clothing stipend of \$600, effective July 1, 2014, payable on January 1st each year to cover the purchase of incidental items (i.e., footwear, belts, non-issued personal safety equipment). Receipts for those items will be accepted for tax deferral purposes until November 1st.

ARTICLE 16 SAVINGS CLAUSE

If any portion of this Agreement is judicially determined to be in conflict with the City Charter, State Statute or Federal Law, such invalidity shall not affect the remaining valid provisions. If any code or ordinance of the City is contrary to any specific provision of this contract, the Employer shall take all necessary action to change said code or ordinance.

ARTICLE 17 BULLETIN BOARDS AND USE OF FIRE HOUSES

Section 1. Bulletin Boards

The Union shall have the right to maintain one (1) bulletin board in each fire house to post notices concerning Union business and activities.

Section 2. Use of Fire Station

The Fire Chief shall allow regular monthly Union meetings at the Central Fire Station. Other meetings of this nature may be granted by the Fire Chief when they will not interfere with Department operations. Sub-station personnel shall not be permitted to

leave their station to attend, except as may be requested and approved by the Chief or designee. The Chief shall allow a designated area as Union office space.

ARTICLE 18

LABOR MANAGEMENT & SAFETY COMMITTEE

In the interest of sound relations, a joint committee of six (6) member, half (1/2) of whom shall be from "Management" and half (1/2) of whom shall be from the "Union", will convene from time to time, but not less than one (1) every ninety (90) days for the purpose of discussing subjects of mutual concern. It shall be the express purpose of this committee to build and maintain a climate of mutual understanding and respect in the solution of common problems including, but not limited to, workplace health and safety.

During the term of this contract the committee will work cooperatively to explore alternative means to increase daily staffing.

ARTICLE 19

WORK STOPPAGE & DISCIPLINARY ACTION

Section 1. No Strikes

The Association agrees that Fire Department Employees, who are subject to the terms of this Agreement, shall have no right to engage in any work stoppage, slowdown, or strike, in consideration of the right to a resolution of disputed questions.

Section 2. Line of Authority

All Department matters shall be taken up and administered through Fire Department channels. Any communication, oral or written, directed by the Association or any member of the Department to any official, board or commission or the City of Lewiston, concerning matters within the Fire Department, shall be channeled through the Chief.

Section 3. Discipline

- A. Oral reprimand with Platoon Representative or President of Local present, if requested. Any documented oral reprimand inserted in the Employee's personnel file shall be removed, upon request, after a one (1)-year period.
- B. Written reprimand – Copy to Union President. Any written reprimand inserted in the Employee's personnel file shall be removed, upon request, after a two (2)-year period.
- C. Probation (notice to be given in writing – copy to Union President).

D. Suspension (notice to be given in writing – copy to Union President).

E. Discharge (notice to be given in writing – copy to Union President).

Disciplinary action may be imposed upon an Employee only for failing to fulfill his/her responsibilities as an Employee that is, violating any Rule, Regulation or Order. Any disciplinary action or measure imposed upon an employee may be processed as a grievance through the regular grievance procedure.

If the Employer has reason to reprimand an Employee, it shall be done in a manner that will not embarrass the employee before other Employees or the public.

Suspension, probation and/or discharge will be governed according to Fire Department Rules and Regulations. Such suspension, probation and/or discharge may be processed as a grievance through the regular grievance procedure.

Any disciplinary action occurring as a result of a violation of a Federal or State Law, Federal or State Rule or Federal or State Regulation, any and all records of discipline shall be permanently placed in the Employee's personnel file and shall not be removed.

Section 4. Sick Leave Discipline

APPLICABLE ONLY IN CASES WHERE SICK LEAVE ABUSE HAS BEEN IDENTIFIED BY THE CHIEF (Family Medical Leave use shall not be the basis or considered as an indication of sick leave abuse):

The Chief shall have authority to implement and effect punitive and/or disciplinary action when he/she determines sick leave use by an employee is abusive. Neither punitive action nor disciplinary action based solely on the abuse of sick leave shall be subject to the grievance process by the employee or the union, except for instances involving punitive and/or disciplinary action in excess of 2 (two) duty days of suspension and/or discharge of employment.

When the Chief determines that discipline is warranted, the principles of "progressive discipline" will be in order recognizing that the gravity and severity of the sick leave abuse may influence what discipline is issued.

The following non-grievable disciplinary actions shall be available to the Chief:

- A. Written reprimand – Copy to Union President. Any written reprimand inserted in the Employee's personnel file shall be removed, upon request, after a two (2)-year period.
- B. Suspension up to 2 (two) duty days (notice to be given in writing – copy to Union President).

If the Employer has reason to discipline an Employee, it shall be done in a manner that will not embarrass the employee before other Employees or the public.

Any disciplinary action occurring as a result of a violation of a Federal or State Law, Federal or State Rule or Federal or State Regulation, any and all records of discipline shall be permanently placed in the Employee's personnel file and shall not be removed.

Section 5. Disciplinary Reinstatement

Any Employee found to be unjustly suspended or discharged shall be reinstated with full or partial compensation for lost time and with full restoration of all other rights and conditions of employment.

**ARTICLE 20
PROBATIONARY EMPLOYEES**

Section 1. New Employees

- (a) The Employer will develop and issue a training policy for new Employees utilizing the NFPA standard 1001 for professional firefighter qualifications. Other acceptable practices, as determined by the Fire Chief, may be used in developing or amending said policy.
- (b) No spare Firefighter will be used for replacement until they have completed the department's training program.
- (c) A new Employee shall be certified to be a permanent member of the Fire Department by the City Administrator or designee after serving a probationary period, which shall normally be one (1) year in duration.

Section 2. Promoted Employees

All employees promoted to a higher paying position shall serve on a probationary basis for the first twelve (12) months. During such period, an Employee not satisfactorily completing his probationary period shall be returned to the position he previously held.

**ARTICLE 21
TRADING TIME**

Section 1.

The Employer shall continue the practice of permitting Employees to substitute for one another on regularly scheduled tours of duty (or for some part thereof) in order to permit an Employee to absent himself from work to attend to purely personal pursuits.

Section 2.

The trading of time shall have no effect on hours of work for overtime purposes if the following criteria are met:

- (a) The trading of time is done voluntarily by the employees participating in the program and not at the behest of the Employer.
- (b) The reason for trading to time is due, not to the Employer's operations, but to the Employee's desire or need to attend to personal matters.
- (c) A record is maintained by the Employer of all time traded by its Employees.
- (d) The period during which time is traded and paid back does not exceed twelve (12) months.

Section 3.

The trading of time shall ordinarily be limited to firefighting personnel of equal rank and with comparable training and experience on the equipment to be operated and shall be at the discretion of and with prior approval of the Chief, Assistant Chief or Battalion Chief, which approval shall not be unreasonably withheld. For the purpose of this Article, equal rank shall mean: Private for Private, Lieutenant for Lieutenant, and Captain for Captain. An acting officer shall not be authorized to trade time with a regular officer unless the time is to be repaid within the time the acting officer is to hold that position.

Section 4.

No such trading of time shall be permitted for gainful employment or other employment outside of the Department; provided that an Employee whose loaned time off if being repaid may perform such work as he usually performs when not on duty for the Department.

**ARTICLE 22
SENIORITY LIST**

The Department's Seniority List shall be posted during the third week in January and anyone objecting to his/her status on said list shall, by written communication, within ten (10) days after such posting, submit his/her objections and all substantiating data.

ARTICLE 23
DUTIES OF EMPLOYEES

Section 1.

The primary duties of the members of the Lewiston Fire Department shall be the prevention, control and extinguishment of fires and salvage operations.

Section 2.

The members of the Lewiston Fire Department shall perform such additional duties as may be prescribed from time to time, but for the duration of this contract, Employees will not be required to paint (although they may do so by mutual agreement). Nothing contained herein shall require Fire Department employees to perform major repair work.

Section 3.

No change in past practices or work conditions will be ordered until and unless the Union is consulted and their opinion is considered. No change in existing rules and regulations will be made until and unless the Union has consulted and their opinion is considered.

ARTICLE 24
SNOW SHOVELING

The City of Lewiston shall continue to give first priority to plowing the Central Fire Station, and the men shall perform necessary hand shoveling.

The Fire Department shall provide for snow plowing for the other stations and the men at these stations shall perform necessary hand shoveling.

Nothing in this Article shall prevent the Chief from directing the men to perform additional shoveling when a failure to do so might seriously jeopardize the safety of the public.

ARTICLE 25
PENSIONS, IN SERVICE PROGRAM & REINSTATEMENTS

Section 1.

It is a condition of employment that Employees entering the City's service enroll into MePERS, except those Employees required to participate in the U.S. Social Security System.

Section 2.

All Firefighters who were in the employ of the Lewiston Fire Department before July 31, 1982 and who are members of MePERS shall be entitled to retire after having completed

twenty-four (24) years of service with the Lewiston Fire Department and they shall receive a retirement benefit of one-half (1/2) their average final compensation with COLA. Employees hired on or after July 31, 1982, shall be entitled to such retirement benefits only after twenty-five (25) years of service and they shall receive a retirement benefit of one-half (1/2) their average final compensation with COLA.

Section 3. Notice of Intent to Retire

A \$750.00 payment shall be made to the employee at the time of retirement providing a 90 day written notice of intent is submitted to the attention of the Chief by the employee.

Section 4. In-Service Retirement Program

Effective upon signing of contract, the following conditions must be met for an employee to be eligible for the In-Service Retirement Program (the "Program):

- (a) Employee must have a minimum of 25 years of MePERS service to be eligible for the Program;
- (b) Employee will agree to retire during his/her eligibility period, collect his/her MePERS retirement benefit, receive payments in accordance with the Collective Bargaining Agreement as a normal retiree, be immediately rehired, and agree to fully and finally separate from the Lewiston Fire Department no later than the date on which the employee reaches 30 years of service.

(All application filings shall be considered by the City as the official notice of retirement and enrollment into the Program and shall not be rescinded by the City, nor rescinded by the employee.

- (d) Employee shall be required to serve a minimum of 12 consecutive months during period of Program employment.

(e) Employee's failure to satisfy the minimum 12 consecutive months of employment requirement shall permit the Employer to recover all benefits that exceed the Employee's period of employment on a pro-rated basis.

- (f) Other Program conditions+

- Shall be paid at 85% the regular hourly rate of pay.
- Shall retain seniority.
- Shall no longer be MePERS eligible during the Program period.
- Shall be provided a 457K deferred compensation program, and City shall match on a weekly basis the Employee's contribution, not to exceed 6% of earnable compensation and limited by the maximum contribution allowed by law (i.e., should the combination of the employees contribution and the match provided by the City exceed the maximum

annual contribution, the City's match shall be reduced to cap the total at the maximum annual contribution).

- Subject to fulfilling the 12 month employment requirement the employee shall immediately receive any balance of sick leave at retirement prior to the In Service Program that is not compensated and/or is in excess of the 720 hours of uncompensated sick leave applied in accordance with MPERS. Unused/unpaid sick time will be available to the employee during the In-service retirement program, remaining balances at conclusion of In-Service Retirement program will be lost. Any remaining accrued vacation balance will be compensated.

Example	Employee has 1600 hours of sick leave prior to In service program 800 hours compensated to Employee according to CBA 800 hours remaining uncompensated 720 hours reported to MPERS 80 hours sick balance carried forward* (Example for illustrative purposes only)
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- Parties shall comply with collective bargaining agreement provisions for use and accrual of sick time and vacation time
- Exception for those Employees who have exceeded the MePERS 25th anniversary at the date of contract signing. Such employees shall have 120 days from the signing of this contract to enroll into the Program for the full five year period. If an employee fails to enter into the program within this 120 day period, the Employees may be enrolled into the Program until the Employee reaches 30 years of service. Subject to meeting the minimum one-year period required for program eligibility.
- All application filings shall be considered by the City as the official notice of retirement and enrollment into the Program and shall not be rescinded by the City, nor rescinded by the employee.

Section 5. Reinstatement

If a firefighter who is the recipient of a disability retirement benefit decides that he/she is no longer incapacitated and is able to perform the duties of that person's employment position, the City shall reinstate the firefighter to the first available position for which he/she is qualified and which is consistent with the firefighter's prior work experiences consistent with his/her seniority level at the time of the disability.

ARTICLE 26

RESIDENCY

Firefighters of the Lewiston Fire Department shall be permitted to reside in any location within fifteen (15) miles beyond the city limits. (See Exhibit C). This provision shall only apply to Employees hired after January 1, 1992.

ARTICLE 27

VACANCIES AND PROMOTIONS

When the City determines that a permanent vacancy exists, it shall initiate its processes for selecting a replacement and shall make a good faith effort to fill the vacancy with a qualified person within thirty (30) days after the vacancy actually occurred.

ARTICLE 28

DISCRIMINATION

The Employer and the Union agree that neither of them shall discriminate against any Employee on any basis prohibited by State or Federal Law.

ARTICLE 29

RULES AND REGULATIONS

The Union agrees that its members shall comply in full with Fire Department Rules and Regulations, as amended from time to time, including those relating to conduct and work performance.

ARTICLE 30

SUPPLEMENTAL AGREEMENT

This Agreement may be amended provided that both parties concur. Supplemental Agreements may be completed through negotiations at any time during the life of the Agreement, provided that both parties agree to enter into negotiations in writing. If both parties agree to enter into negotiations, negotiate and agree, the supplemental written Agreement shall become part of this Agreement.

ARTICLE 31

TERM OF THE AGREEMENT

This Agreement shall be effective from July 1, 2017 and shall remain in full force and effect through the end of the last pay period of June 30, 2019, or until a new Collective Agreement is signed, whichever is later, provided however, that this Agreement shall be

subject to such change and modification as may be mutually agreed upon by the parties in accordance with the terms of Article 30.

ARTICLE 32
FIREFIGHTERS SUBPOENAED

On-duty Firefighters subpoenaed by an arbitrator to testify in an arbitration proceeding shall suffer no loss of pay for time spent in so testifying or reporting to testify only.

ARTICLE 33
PERSONNEL POLICIES

The Personnel Policies of the City of Lewiston as heretofore adopted and as they may hereafter be amended (unless the amendment alters an established working condition which may necessitate negotiations) are hereby adopted except to the extent that they conflict with any provisions herein set forth, excluding the policy entitled "Outside or Non-Duty Employment".

ARTICLE 34
MANAGEMENT RIGHTS

Subject to the limitations in the provisions of this Agreement, the Employer retains the exclusive right to manage its operations including, but not limited to, the right to determine the methods and needs by which its operations are to be carried on, to assign and direct the workforce and to make changes in existing practices and policies in all matters not specifically provided for in this Agreement. Provided, however, that procedures, benefits and practices existing on the effective date of this Agreement shall be maintained and shall not in any way be adversely affected by this clause.

ARTICLE 35
LAY OFF

Section 1.

Layoffs shall be in inverse order of length of service within the Department. No Employee shall be laid off except upon written notice from the Fire Chief giving not less than two (2) weeks' notice before the effective date of the layoff, or a combination of days' notice and pay, or two (2) weeks' pay with immediate notification. Such notice of layoff shall include an outline of the service cuts caused by the reductions, impacts upon the department and the citizens of the city. Any such notice of firefighter layoffs shall be provided in writing addressed and delivered to the Union. If requested by the Union in writing, it shall meet and confer with the City to discuss such actions. If the Union provides a written response following such discussion, the Employer shall respond to any proposals submitted by the Union.

Section 2.

Laid off Employees shall have the right to a recall by order of seniority. The President of the Union will be notified in advance of any recall following a layoff.

ARTICLE 36

GENDER

If applicable, whenever a male gender is used in this Agreement, it shall be construed to include male and female employees.

ARTICLE 37

TRANSFERS, JOB POSTINGS AND BIDDING

Section 1. Vacancies

When a permanent vacancy occurs in a Firefighter position, transfers will be governed by the provisions of the Article. As used in this Article, a "vacancy" shall mean a position not occupied due to death, retirement, transfer, resignation or dismissal, etc. of an incumbent or an unfilled, newly created position.

Section 2. Posting

When a vacancy occurs, it shall be posted as soon as possible on all station bulletin boards for a minimum of 14-days. The posting will include the order of bidding*, the vacancies to be created as a result of the original vacancy (i.e., a vacancy in Senior Privates will cause vacancies in Junior Privates and K-Privates). The posting will also include a bidding day scheduled within seven (7)-days after the above mentioned fourteen (14)-day posting period. The Department will make a reasonable effort to notify Employees who are on vacation or sick leave of the scheduled bidding.

*Bidding for positions shall be in the order of vacancy created, i.e., effective retirement date, promotion, etc. In the event of a tie, the bidding shall be according to the incumbent's Departmental seniority.

Section 3. Bidding

On bidding day, all members within a rank will be allowed to bid on vacancies, except as noted at the end of this Section. All bids will be awarded to the member having the most seniority in that rank. After these bids are awarded, an equal number of vacancies will be created. Each member will be allowed to bid on these, and so on for a total of 3-bids in each position. The fourth such vacancy will be filled by the member having the least seniority in that rank. If there is no employee submitting a bid for any of the above vacancies, the Chief shall assign the employee with the least seniority in that rank to the vacant position.

All bidding to fill a vacancy, as well as the resulting vacancies, whether known or unknown at the time of the notice, will take place at the same time. Bids will only be accepted, in writing, prior to bidding to the Chief or designee. When a vacancy involves a promotion to Lieutenant or Captain, the newly promoted member will be transferred to any position not bid by others already in that rank, or the fourth vacancy. The bidding process will not be held up by the promotional process.

NOTE: A successful bidder may not re-bid for one (1)- year from the date of his transfer.

Section 4. Seniority

Transfers under this Article shall be rank for rank and seniority there under is defined as time in rank.

Section 5. Mutual Transfers

Members of the same rank may request, in writing, a transfer by mutual agreement stating all parties involved. These transfers will be allowed, provided all parties involved, including the respective Officer and the Chief, are in accord.

Mutual transfers will not be allowed if one of the members will be leaving the Department within 1-year. If a member retires or resigns within 1-year after a mutual transfer, the other members involved will be re-assigned to their original positions. Also, mutual transfers will not be allowed if one of the members in the proposed transfer was a successful bidder at his present position within the past year.

Section 6. Program Overview

Notwithstanding any of the above, the Chief retains the exclusive right as Chief Executive Officer to finalize all assignments.

Section 7. Transfers from Assignment

Transfers from assignments shall have a minimum notice of one complete work cycle before the effective date of transfer.

ARTICLE 38 CONSOLIDATION

This Agreement shall be binding upon the successors and assigns of the parties hereto, and no provisions, terms or obligations herein, contained shall be affected, modified, altered, or changed in any respect whatsoever by the consolidation, merger annexation, transfer or assignment hereto, or by any change geographically or otherwise in the location or place of business of either party.

ARTICLE 39
FIRE SERVICE JOINT LABOR MANAGEMENT
WELLNESS-FITNESS INITIATIVE

Committee Membership: Chief, Assistant Chief, Physician, Certified Health and Fitness Coordinator, Local 785 President, Vice President, two (2) additional positions selected by the Local.

GOALS/PROGRAM: To administer the Fire Service Joint Labor Management Wellness-Fitness Initiative (2000 edition): The extent of this program will be implemented as mutually agreed upon. The following two (2) core items are mutually agreed upon- the program is mandatory, and is non-punitive (these two (2) items are not subject to committee approval). All other items of the program will be tailored for the needs of the Lewiston Fire Department, and the individual needs. All equipment will be provided by, and maintained by the City. Individual program objectives are non-punitive.

ARTICLE 40
EMERGENCY MEDICAL SERVICE (EMS) AUTHORIZATION

In the contract that expired on December 31, 2002 the parties agreed to explore the potential to implement a new emergency medical services division within the department. Specifically, the parties agreed:

“The goal of the parties is to develop a plan to increase the manpower, both per shift and total manpower, and to further standardize the retirement for all personnel to a 25-year, no age limit retirement in the next contract. This will be accomplished by implementing a new Emergency Medical Service (EMS) in the new contract, which will include a transporting EMS Division within the Department. The plan will protect all suppression Employees in that they shall not be required to participate in EMS. Both parties understand that this endeavor is a significant undertaking for all and realize that there are numerous details that will need to be addressed. However, it is recognized that such endeavor will not only improve the quality of life for the existing members of the Union, but be a significant improvement in the quality of life for citizens of the City of Lewiston.”

Since the signing of that contract and the signing of this contract, the parties have agreed the potential to improve the health and safety for all citizens and managers alike; can easily be obtained with little or no impact on the property tax payers. However, the parties further understand the community; through their elected leadership will need time to reach the same conclusion. Hence, the language with this section is designed to be mandatory for the parties if the EMS is implemented. However, the decision of whether or not to implement and continue with an EMS system is an exclusive decision of the City's.

In addition, the parties agree that this contract generally and the corresponding changes in this section more specifically, attempts to provide specifics around the changes related to the introduction of EMS into the workplace. At the same time, there is no way to fully anticipate all of the changes and the impacts of the changes. Hence, the following guidelines shall be used by all parties to dictate a course of action where any disputes, misunderstandings, or uncertainties may exist:

1. It is the intent of the parties to insure existing suppression members (hired prior to July 1, 2003) will not be adversely impacted because of the changes or be required to participate in EMS. The parties recognize the existing procedures and policies regarding EMS response by these members effective on November 1, 2003. This language is meant to provide protection for all of the subjects for mandatory bargaining, but not intended to protect Employees from daily inconveniences, i.e. radio traffic of EMS operations.
2. The parties agree that Employees hired after July 1, 2003 shall always be responsible to maintain their required EMS licenses as a condition of hire. Further, such Employees may be required to fulfill any EMS demand, subject to the restrictions of this contract. However, the parties also agree that changing of the existing fire suppression vehicles to a fire-based EMS system has not been negotiated. Even if the entire apparatus is staffed by such Employees, it does not change the status of that vehicle to a fire-based EMS vehicle.
3. The City shall declare a date of "official implementation" of EMS services. That date shall correspond to the first week of operations of the EMS division, as identified by a fully staffed EMS vehicle being available for service, i.e. not to include the period the Employees are working the training/orientation period.
4. The parties agree to allow a year (twelve months) implementation period, beginning on the date of official implementation, where the parties will work through a Labor/Management implementation team to address issues. During this time, changes in plan implementation will likely be necessary. This period will be used to work out the details and cannot be used as precedent by either party. However, under no circumstances can this principle be used to change any item that has been specifically agreed to in this contract with clear and concise language, or to change any existing past practice as it relates to fire suppression operations.
5. During the implementation period, should the Union feel that any proposed changes to accommodate EMS is a violation of the contract and/or past practices, they shall notify the Fire Chief as soon as practical that a concern is known. The parties agree to set aside the period required for formally filing the grievance as outlined in Article 12, Step 1, until thirty (30) days after the completion of the implementation period. At any time, up to that date, any concern that has been raised may be formalized as a grievance by filing of said grievance, consistent with the procedure outlined in Article 12.

6. A number of policies, directives and standard operating procedures will need to be established and implemented in order to assure the effective operation of the EMS Division. These shall be established during the implementation period (Article 40, Section 3).

Each subsection below has already been agreed to by the parties:

- a. Stipends: for all members that either acquired an applicable EMS license by September 1 of the current year or previously held and maintained said license for the entire year, will receive annual stipends. The applicable EMS licenses and stipend levels are found below. The stipends will be paid, regardless of the frequency of use by said employee. Such stipends will be paid on or about December 1 of each year.

Basic EMT	\$100
Intermediate EMT	\$200
Critical Care EMT	\$300
Paramedic	\$600

- b. The City shall be able to pay an additional one time bonus, at the time of hiring, to any new Employee that is a licensed EMT-Paramedic (EMT-P) at the time of hiring. That bonus shall be paid as follows:

25% at the conclusion of the first (1st) month of employment,
25% at the conclusion of the fourth (4th) month of employment,
the remaining fifty percent (50%) at the conclusion of first (1st)
year of employment.

The bonus shall be established by the City annually, based in part, on the needs of the City, the employment market, the current and anticipated staff levels, and any other factor(s) deemed appropriate.

- c. EMS Officer: Each platoon will have a permanently assigned EMS officer (three (3) for the entire Department). The individuals in this role shall hold an EMT-P license. The position will be paid on the same pay scale as a lieutenant.

During absences of the EMS officer, the Senior Paramedic eligible, as designated by the Chief, shall be the acting working supervisor for the shift. That member will receive the entry-level pay for a supervisor for that shift, but under no circumstance receive less than five percent (5%) more than his normal hourly wage. To the degree that this language is inconsistent with Article 6, Section 2 of this contract, then this language shall supersede, but only for the compensation of the acting EMS Officer.

- d. The selection of the EMS Officer shall be handled according to the Civil Service process, so long as it exists. However, for the maiden selection process, the parties have agreed to waive this process. Instead, current members at the time of posting, shall be given priority assignment, if

deemed qualified by the Fire Chief. If enough current members are not deemed qualified, then the assignments shall be established by a process deemed appropriate by the Fire Chief.

- e. Wages: All Employees that are assigned to any EMS Division shift shall receive additional compensation for the hours worked, beyond their respective pay, as outlined below. Only those Employees that work an entire shift in the EMS division, held over, or called back, shall receive the additional compensation. "R personnel are entitled to additional compensation.

EMT-P	5% higher
All other EMT licenses	3% higher
Non-licensed Employees	1.5% higher

**ARTICLE 41
EMERGENCY MEDICAL TRAINING**

Section 1.

The City remains committed to working with LFA to develop an EMR services proposal for the City subject to further negotiations with the LFA and United Ambulance Services. Effective on the date of implementation and response all wage steps in Exhibit D will also be subject to further negotiations

Training:

All Association members not previously certified in a Maine EMS field will be provided by the employer with basic EMR (Emergency Medical Responder) education and certification. All costs for such education and licensure shall be at the employer's expense. Any training of off duty personnel shall be at overtime rates. All necessary continuing education for all employees to maintain standards shall be provided on duty by the employer in accordance with the aforementioned training and compensation requirements. Training shall be conducted in accordance with the requirements of Article 9 Section 4 and shall not occur during nights and weekends.

The parties hereto have set their hands at Lewiston, Maine this _____ day of _____, 201().

CITY OF LEWISTON

LEWISTON FIREFIGHTERS' ASSOCIATION, LOCAL #785

By: _____
Edward A. Barrett
City Administrator

By: _____
Richard O. Cailler
President

By: _____
~~Mark-Caron Robert Gayton~~
Vice-President

By: _____
Christopher Fournier
Secretary

EXHIBIT A

Firefighters' K-Day Schedule System:

1. Each apparatus will have a K-person assigned to it.
 - (a) Each Firefighter on each apparatus will be assigned a number from 1 to 4. (A,B,C)

Example

<u>E-5</u>	0-3	<u>E-7</u>	0-2	<u>L-1</u>	0-1
	S-4		S-3		S-2
	J-1		J-4		J-3
	K-2		K-1		K-4
					K2-1a, 2b, 3c

<u>E-3</u>	0-3	<u>E-4</u>	0-4
	S-4		S-1
	J-1		J-2
	K-2		K-3

- (b) There shall be four (4)-Captains, with one (1)-Captain assigned to each platoon, with the K-days 1a, 2b and 3c. The 4th Captain shall work a one "(1) on and three (3)-off" schedule on 1a, 2b and 3c. The 4th K2 shall work a one "(1) on and three (3)-off" schedule on 1a, 2b and 3c.
- (c) **4 Junior K personnel will be assigned to K2 position.
- (d) Firefighter/Paramedic/EMT K-Day Schedule System:

1. Each Firefighter/Paramedic/EMT will be assigned a number from 1 to 4 (A,B,C)

Example

EMS Officer/FF/Paramedic	FF/Paramedic	1(A, B, C)
FF/Paramedic	FF/EMT	2(A, B, C)
FF/Paramedic	FF/EMT	3(A, B, C)
FF/Paramedic	FF/EMT	4(A, B, C)

2. The number of assignments to be posted by the Fire Chief for the first pay period:

- 3 Platoons (A, B, C)
- 24-hour duty days
- Consecutive rotating shifts
- Consecutive rotating K-days by K-day numbers
- Tour of duty on 12-week cycle
- Total number of hours per tour – 504 hours
- Average hours per week: 504 divided by 12 = 42 hours

EXHIBIT B

	TRUCK 1	TRUCK 2	TRUCK 3
1A	1K	3	5
	2	4	6K
	7		8
1B	1K	3	5
	2	4	6K
	7		8
1C	1K	3	5
	2	4	6K
	7		8
2A	1	3	5K
	2K	4	6
	7		8
2B	1	3	5K
	2K	4	6
	7		8
2C	1	3	5K
	2K	4	6
	7		8
3A	1	3K	5
	2	4	6
	7K	8	
3B	1	3K	5
	2	4	6
	7K	8	
3C	1	3K	5
	2	4	6
	7K	8	
4A	1	3	5
	2	4K	6
		7	8K
4B	1	3	5
	2	4K	6
		7	8K
4C	1	3	5
	2	4K	6
		7	8K

EXHIBIT C

TOWN	COUNTY	TOWN	COUNTY
Auburn	Androscoggin	Manchester	Kennebec
Bath	Sagadahoc	Mechanic Falls	Androscoggin
Bowdoin	Sagadahoc	Minot	Androscoggin
Bowdoinham	Sagadahoc	Monmouth	Kennebec
Brunswick	Cumberland	New Gloucester	Cumberland
Buckfield	Oxford	North Yarmouth	Cumberland
Casco	Cumberland	Otisfield	Oxford
Cumberland	Cumberland	Oxford	Oxford
Durham	Androscoggin	Paris	Oxford
Farmingdale	Kennebec	Poland	Androscoggin
Freeport	Cumberland	Raymond	Cumberland
Gardiner	Kennebec	Pownal	Cumberland
Gray	Cumberland	Richmond	Sagadahoc
Greene	Androscoggin	Sabattus	Androscoggin
Harpowell	Cumberland	Sumner	Oxford
Hartford	Oxford	Topsham	Sagadahoc
Hebron	Oxford	Turner	Androscoggin
Leeds	Androscoggin	Wales	Androscoggin
Lisbon	Androscoggin	Wayne	Kennebec
Litchfield	Kennebec	West Gardiner	Kennebec
Livermore	Androscoggin	Windham	Cumberland
Winthrop	Kennebec	Livermore Falls	Androscoggin
Yarmouth	Cumberland		

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Exhibit D

FIREFIGHTER WAGE & STEPSCHEDULE

FY2017	-	FY2018	-	-	-
FFTR	7/1/2016	FFTR	7/1/2017	FFTR	1/1/2018
STEPS	2.0%	STEPS	2.1%	STEPS	0.5%
1	16.65	1	17.00	1	17.09
2	16.88	2	17.23	2	17.32
3	17.15	3	17.51	3	17.60
4	17.96	4	18.34	4	18.43
5	18.85	5	19.25	5	19.35
6	19.39	6	19.80	6	19.90
7	19.95	7	20.37	7	20.47
8	20.54	8	20.97	8	21.07
9	21.14	9	21.58	9	21.69
10	21.78	10	22.24	10	22.35
11	22.41	11	22.88	11	22.99
12	23.04	12	23.52	12	23.64
13	23.73	13	24.23	13	24.35
14	24.45	14	24.96	14	25.08
15	25.17	15	25.70	15	25.83
16	26.20	16	26.75	16	26.88
17	26.80	17	27.36	17	27.50
18	27.39	18	27.97	18	28.11

INSPECTOR WAGE & STEP SCHEDULE

FY2017	-	FY2018	-	-	-
INSP	7/1/2016	INSP	7/1/2017	INSP	1/1/2018
STEPS	2.0%	STEPS	2.1%	STEPS	0.5%
1	19.34	1	19.75	1	19.85
2	19.91	2	20.33	2	20.43
3	20.49	3	20.92	3	21.02
4	21.09	4	21.53	4	21.64
5	21.72	5	22.18	5	22.29
6	22.34	6	22.81	6	22.92
7	22.99	7	23.47	7	23.59
8	23.68	8	24.18	8	24.30
9	24.37	9	24.88	9	25.00
10	25.09	10	25.62	10	25.75
11	26.12	11	26.67	11	26.80
12	26.71	12	27.27	12	27.41
15	27.30	15	27.87	15	28.01

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LT WAGE & STEP SCHEDULE

FY2017	-	FY2018	-	-	-
LT	7/1/2016	LT	7/1/2017	LT	1/1/2018
STEPS	2.0%	STEPS	2.1%	STEPS	0.5%
Lt-1	28.36	Lt-1	28.96	Lt-1	29.10
Lt-2	28.84	Lt-2	29.45	Lt-2	29.60
Lt-3	29.04	Lt-3	29.65	Lt-3	29.80
Lt-4	29.68	Lt-4	30.30	Lt-4	30.45

CAPT WAGE & STEP SCHEDULE

FY2017	-	FY2018	-	-	-
CAPT	7/1/2016	CAPT	7/1/2017	CAPT	1/1/2018
STEPS	2.0%	STEPS	2.1%	STEPS	0.5%
Cpt-1	34.71	Cpt-1	35.44	Cpt-1	35.62
Cpt-2	35.46	Cpt-2	36.20	Cpt-2	36.38
Cpt-3	36.24	Cpt-3	37.00	Cpt-3	37.19

FIREFIGHTER WAGE & STEP SCHEDULE

FY2018	-	FY2019	-
FFTR	1/1/2018	FFTR	7/1/2018
STEPS	0.5%	STEPS	2.0%
1	17.09	1	17.43
2	17.32	2	17.67
3	17.60	3	17.95
4	18.43	4	18.80
5	19.35	5	19.74
6	19.90	6	20.30
7	20.47	7	20.88
8	21.07	8	21.49
9	21.69	9	22.12
10	22.35	10	22.80
11	22.99	11	23.45
12	23.64	12	24.11
13	24.35	13	24.84
14	25.08	14	25.58
15	25.83	15	26.35
16	26.88	16	27.42
17	27.50	17	28.05
18	28.11	18	28.67

INSPECTOR WAGE & STEP SCHEDULE

FY2018	-	FY2019	-
INSP	1/1/2018	INSP	7/1/2018
STEPS	0.5%	STEPS	2.0%
1	19.85	1	20.25
2	20.43	2	20.84
3	21.02	3	21.44
4	21.64	4	22.07
5	22.29	5	22.74
6	22.92	6	23.38
7	23.59	7	24.06
8	24.30	8	24.79
9	25.00	9	25.50
10	25.75	10	26.27
11	26.80	11	27.34
12	27.41	12	27.96
15	28.01	15	28.57

LT WAGE & STEP SCHEDULE

FY2018	-	FY2019	-
LT	1/1/2018	LT	7/1/2018
STEPS	0.5%	STEPS	2.0%
Lt 1	29.10	Lt 1	29.68
Lt 2	29.60	Lt 2	30.19
Lt 3	29.80	Lt 3	30.40
Lt 4	30.45	Lt 4	31.06

CAPT WAGE & STEP SCHEDULE

FY2018	-	FY2019	-
CAPT	1/1/2018	CAPT	7/1/2018
STEPS	0.5%	STEPS	2.0%
Cpt 1	35.62	Cpt 1	36.33
Cpt 2	36.38	Cpt 2	37.11
Cpt 3	37.19	Cpt 3	37.93

FIREFIGHTER WAGE & STEP SCHEDULE

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FY2020				FY2021			
<u>FFTR</u>	<u>7/1/2019</u>	<u>FFTR</u>	<u>1/1/2020</u>	<u>FFTR</u>	<u>7/1/2020</u>	<u>FFTR</u>	<u>1/1/2021</u>
<u>STEPS</u>	<u>2.5%</u>	<u>STEPS</u>	<u>0.5%</u>	<u>STEPS</u>	<u>2.5%</u>	<u>STEPS</u>	<u>0.5%</u>
<u>1</u>	<u>17.87</u>	<u>1</u>	<u>17.96</u>	<u>1</u>	<u>18.41</u>	<u>1</u>	<u>18.50</u>
<u>2</u>	<u>18.11</u>	<u>2</u>	<u>18.20</u>	<u>2</u>	<u>18.66</u>	<u>2</u>	<u>18.75</u>
<u>3</u>	<u>18.40</u>	<u>3</u>	<u>18.49</u>	<u>3</u>	<u>18.95</u>	<u>3</u>	<u>19.04</u>
<u>4</u>	<u>19.27</u>	<u>4</u>	<u>19.37</u>	<u>4</u>	<u>19.85</u>	<u>4</u>	<u>19.95</u>
<u>5</u>	<u>20.23</u>	<u>5</u>	<u>20.33</u>	<u>5</u>	<u>20.84</u>	<u>5</u>	<u>20.94</u>
<u>6</u>	<u>20.81</u>	<u>6</u>	<u>20.91</u>	<u>6</u>	<u>21.43</u>	<u>6</u>	<u>21.54</u>
<u>7</u>	<u>21.40</u>	<u>7</u>	<u>21.51</u>	<u>7</u>	<u>22.05</u>	<u>7</u>	<u>22.16</u>
<u>8</u>	<u>22.03</u>	<u>8</u>	<u>22.14</u>	<u>8</u>	<u>22.69</u>	<u>8</u>	<u>22.80</u>
<u>9</u>	<u>22.67</u>	<u>9</u>	<u>22.78</u>	<u>9</u>	<u>23.35</u>	<u>9</u>	<u>23.47</u>
<u>10</u>	<u>23.37</u>	<u>10</u>	<u>23.49</u>	<u>10</u>	<u>24.08</u>	<u>10</u>	<u>24.20</u>
<u>11</u>	<u>24.04</u>	<u>11</u>	<u>24.16</u>	<u>11</u>	<u>24.76</u>	<u>11</u>	<u>24.88</u>
<u>12</u>	<u>24.71</u>	<u>12</u>	<u>24.83</u>	<u>12</u>	<u>25.45</u>	<u>12</u>	<u>25.58</u>
<u>13</u>	<u>25.46</u>	<u>13</u>	<u>25.59</u>	<u>13</u>	<u>26.23</u>	<u>13</u>	<u>26.36</u>
<u>14</u>	<u>26.22</u>	<u>14</u>	<u>26.35</u>	<u>14</u>	<u>27.01</u>	<u>14</u>	<u>27.15</u>
<u>15</u>	<u>27.01</u>	<u>15</u>	<u>27.15</u>	<u>15</u>	<u>27.83</u>	<u>15</u>	<u>27.97</u>
<u>16</u>	<u>28.11</u>	<u>16</u>	<u>28.25</u>	<u>16</u>	<u>28.96</u>	<u>16</u>	<u>29.10</u>
<u>17</u>	<u>28.75</u>	<u>17</u>	<u>28.89</u>	<u>17</u>	<u>29.61</u>	<u>17</u>	<u>29.76</u>
<u>18</u>	<u>29.39</u>	<u>18</u>	<u>29.54</u>	<u>18</u>	<u>30.28</u>	<u>18</u>	<u>30.43</u>

INSPECTOR WAGE & STEP SCHEDULE

FY2020				FY2021			
<u>INSP</u>	<u>7/1/2019</u>	<u>INSP</u>	<u>1/1/2020</u>	<u>INSP</u>	<u>7/1/2020</u>	<u>INSP</u>	<u>1/1/2021</u>
<u>STEPS</u>	<u>2.5%</u>	<u>STEPS</u>	<u>0.5%</u>	<u>STEPS</u>	<u>2.5%</u>	<u>STEPS</u>	<u>0.5%</u>
<u>1</u>	<u>20.76</u>	<u>1</u>	<u>20.86</u>	<u>1</u>	<u>21.38</u>	<u>1</u>	<u>21.49</u>
<u>2</u>	<u>21.36</u>	<u>2</u>	<u>21.47</u>	<u>2</u>	<u>22.01</u>	<u>2</u>	<u>22.12</u>
<u>3</u>	<u>21.98</u>	<u>3</u>	<u>22.09</u>	<u>3</u>	<u>22.64</u>	<u>3</u>	<u>22.75</u>
<u>4</u>	<u>22.62</u>	<u>4</u>	<u>22.73</u>	<u>4</u>	<u>23.30</u>	<u>4</u>	<u>23.42</u>
<u>5</u>	<u>23.31</u>	<u>5</u>	<u>23.43</u>	<u>5</u>	<u>24.02</u>	<u>5</u>	<u>24.14</u>
<u>6</u>	<u>23.96</u>	<u>6</u>	<u>24.08</u>	<u>6</u>	<u>24.68</u>	<u>6</u>	<u>24.80</u>
<u>7</u>	<u>24.66</u>	<u>7</u>	<u>24.78</u>	<u>7</u>	<u>25.40</u>	<u>7</u>	<u>25.53</u>
<u>8</u>	<u>25.41</u>	<u>8</u>	<u>25.54</u>	<u>8</u>	<u>26.18</u>	<u>8</u>	<u>26.31</u>
<u>9</u>	<u>26.14</u>	<u>9</u>	<u>26.27</u>	<u>9</u>	<u>26.93</u>	<u>9</u>	<u>27.06</u>
<u>10</u>	<u>26.93</u>	<u>10</u>	<u>27.06</u>	<u>10</u>	<u>27.74</u>	<u>10</u>	<u>27.88</u>
<u>11</u>	<u>28.02</u>	<u>11</u>	<u>28.16</u>	<u>11</u>	<u>28.86</u>	<u>11</u>	<u>29.00</u>
<u>12</u>	<u>28.66</u>	<u>12</u>	<u>28.80</u>	<u>12</u>	<u>29.52</u>	<u>12</u>	<u>29.67</u>
<u>15</u>	<u>29.28</u>	<u>15</u>	<u>29.43</u>	<u>15</u>	<u>30.17</u>	<u>15</u>	<u>30.32</u>

LT WAGE & STEP SCHEDULE

FY2020				FY2021			
LT STEPS	7/1/2019 2.5%	LT STEPS	1/1/2020 0.5%	LT STEPS	7/1/2020 2.5%	LT STEPS	1/1/2021 0.5%
Lt 1	30.42	Lt 1	30.57	Lt 1	31.33	Lt 1	31.49
Lt 2	30.94	Lt 2	31.09	Lt 2	31.87	Lt 2	32.03
Lt 3	31.16	Lt 3	31.32	Lt 3	32.10	Lt 3	32.26
Lt 4	31.84	Lt 4	32.00	Lt 4	32.80	Lt 4	32.96

CAPT WAGE & STEP SCHEDULE

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FY2020				FY2021			
CAPT STEPS	7/1/2019 2.5%	CAPT STEPS	1/1/2020 0.5%	CAPT STEPS	7/1/2020 2.5%	CAPT STEPS	1/1/2021 0.5%
Cpt 1	37.24	Cpt 1	37.43	Cpt 1	38.37	Cpt 1	38.56
Cpt 2	38.04	Cpt 2	38.23	Cpt 2	39.19	Cpt 2	39.39
Cpt 3	38.88	Cpt 3	39.07	Cpt 3	40.05	Cpt 3	40.25

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FIREFIGHTER WAGE & STEP SCHEDULE

FY2021		FY2022			
FFTR STEPS	1/1/2021 0.5%	FFTR STEPS	7/1/2021 2.5%	FFTR STEPS	1/1/2022 0.5%
1	18.50	1	18.96	1	19.05
2	18.75	2	19.22	2	19.32
3	19.04	3	19.52	3	19.62
4	19.95	4	20.45	4	20.55
5	20.94	5	21.46	5	21.57
6	21.54	6	22.08	6	22.19
7	22.16	7	22.71	7	22.82
8	22.80	8	23.37	8	23.49
9	23.47	9	24.06	9	24.18
10	24.20	10	24.81	10	24.93
11	24.88	11	25.50	11	25.63
12	25.58	12	26.22	12	26.35
13	26.36	13	27.02	13	27.16
14	27.15	14	27.83	14	27.97
15	27.97	15	28.67	15	28.81
16	29.10	16	29.83	16	29.98
17	29.76	17	30.50	17	30.65
18	30.43	18	31.19	18	31.35

INSPECTOR WAGE & STEP SCHEDULE

FY2021		FY2022			
<u>INSP</u>	<u>1/1/2021</u>	<u>INSP</u>	<u>7/1/2021</u>	<u>INSP</u>	<u>1/1/2022</u>
<u>STEPS</u>	<u>0.5%</u>	<u>STEPS</u>	<u>2.5%</u>	<u>STEPS</u>	<u>0.5%</u>
<u>1</u>	<u>21.49</u>	<u>1</u>	<u>22.03</u>	<u>1</u>	<u>22.14</u>
<u>2</u>	<u>22.12</u>	<u>2</u>	<u>22.67</u>	<u>2</u>	<u>22.78</u>
<u>3</u>	<u>22.75</u>	<u>3</u>	<u>23.32</u>	<u>3</u>	<u>23.44</u>
<u>4</u>	<u>23.42</u>	<u>4</u>	<u>24.01</u>	<u>4</u>	<u>24.13</u>
<u>5</u>	<u>24.14</u>	<u>5</u>	<u>24.74</u>	<u>5</u>	<u>24.86</u>
<u>6</u>	<u>24.80</u>	<u>6</u>	<u>25.42</u>	<u>6</u>	<u>25.55</u>
<u>7</u>	<u>25.53</u>	<u>7</u>	<u>26.17</u>	<u>7</u>	<u>26.30</u>
<u>8</u>	<u>26.31</u>	<u>8</u>	<u>26.97</u>	<u>8</u>	<u>27.10</u>
<u>9</u>	<u>27.06</u>	<u>9</u>	<u>27.74</u>	<u>9</u>	<u>27.88</u>
<u>10</u>	<u>27.88</u>	<u>10</u>	<u>28.58</u>	<u>10</u>	<u>28.72</u>
<u>11</u>	<u>29.00</u>	<u>11</u>	<u>29.73</u>	<u>11</u>	<u>29.88</u>
<u>12</u>	<u>29.67</u>	<u>12</u>	<u>30.41</u>	<u>12</u>	<u>30.56</u>
<u>15</u>	<u>30.32</u>	<u>15</u>	<u>31.08</u>	<u>15</u>	<u>31.24</u>

LT WAGE & STEP SCHEDULE

FY2021		FY2022			
<u>LT</u>	<u>1/1/2021</u>	<u>LT</u>	<u>7/1/2021</u>	<u>LT</u>	<u>1/1/2022</u>
<u>STEPS</u>	<u>0.5%</u>	<u>STEPS</u>	<u>2.5%</u>	<u>STEPS</u>	<u>0.5%</u>
<u>Lt 1</u>	<u>31.49</u>	<u>Lt 1</u>	<u>32.28</u>	<u>Lt 1</u>	<u>32.44</u>
<u>Lt 2</u>	<u>32.03</u>	<u>Lt 2</u>	<u>32.83</u>	<u>Lt 2</u>	<u>32.99</u>
<u>Lt 3</u>	<u>32.26</u>	<u>Lt 3</u>	<u>33.07</u>	<u>Lt 3</u>	<u>33.24</u>
<u>Lt 4</u>	<u>32.96</u>	<u>Lt 4</u>	<u>33.78</u>	<u>Lt 4</u>	<u>33.95</u>

CAPT WAGE & STEP SCHEDULE

FY2021		FY2022			
<u>CAPT</u>	<u>1/1/2021</u>	<u>CAPT</u>	<u>7/1/2021</u>	<u>CAPT</u>	<u>1/1/2022</u>
<u>STEPS</u>	<u>0.5%</u>	<u>STEPS</u>	<u>2.5%</u>	<u>STEPS</u>	<u>0.5%</u>
<u>Cpt 1</u>	<u>38.56</u>	<u>Cpt 1</u>	<u>39.52</u>	<u>Cpt 1</u>	<u>39.72</u>
<u>Cpt 2</u>	<u>39.39</u>	<u>Cpt 2</u>	<u>40.37</u>	<u>Cpt 2</u>	<u>40.57</u>
<u>Cpt 3</u>	<u>40.25</u>	<u>Cpt 3</u>	<u>41.26</u>	<u>Cpt 3</u>	<u>41.47</u>

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Exhibit E

Health Insurance Proposal

Introducing City of Lewiston Wellness & Health Care Management System

by

Focusing on Prevention

Health Insurance Addition:

As of the date of the signing of this contract, the parties agree that there has been success with the 'Fire Service Joint Labor Management Wellness-Fitness Initiative' as outlined in Article 39. The parties recognize that the "Fire Service Joint Labor Management Wellness-Fitness Initiative was in fact the forerunner to the City of Lewiston's Health Care Management System.

The City of Lewiston is interested in providing a stable environment for the Employee. Part of this philosophy is echoed in benefit programs such as health insurance. In an effort to curtail rising health insurance costs for both the Employer and Employee, they have developed the Health Care Management System. The same tenets of this System are echoed in the Fire Service Joint Labor Management Wellness-Fitness Initiative; it shall maintain the same philosophy, a healthy Employee and provide reasonably affordable benefits in an arena of mutual cooperation.

All members who participate in the Fire Service Joint Labor Management Wellness-Fitness Initiative will be eligible to receive full health insurance premium credits available, as outlined below, towards health insurance cost containment programs.

Both parties will continue to promote the 'Fire Service Joint Labor Management Wellness-Fitness Initiatives' and demonstrate their support in accordance with Article 39. Firefighting is an inherently dangerous profession, to best serve its residents; health and fitness are some of the principal concerns for all members of the Fire Department. In recognition, the City will provide the resources necessary to continue this program as it currently is defined for the benefit of the residents and firefighters alike.

Cost Containment Efforts:

Annual Physical Exam: Each member (and spouse) shall be required to annually receive a physical exam by his/her Primary Care Physician (PCP). In addition, each member shall take each recommended preventative screenings recommended by his or her PCP.

Health Risk Analysis and Educators: Each member and spouse will be required annually to participate in the health risk assessment*. The individual results of this analysis will not be shared with the City. However, the aggregate results will be shared with the City.

FOR SPOUSES ONLY: If the employee's spouse completes the "Health Risk Appraisal Form" and the physician or their designee completes the "Authorization to Release Medical Information" forms, and all forms are appropriately filled out and returned to the city's Health Care Coordinator/Educator (HCC/E) no later than December 31st of each year, the spouse will not be required to meet the HCC/E in any year in which these forms are completed to the

HCC/E's satisfaction. The completion of these forms does not prohibit the HCC/E from contacting the spouse to discuss information contained within those forms.

If desired by the spouse, all meetings and consultations with the HCC/E will be schedule in a private setting. Depending on the results of the health risk analysis and the goals of the member, additional meetings may be scheduled. Should a face to face consultation not be practical, phone and email may be utilized by the HCC/E.

A Health Care Educator (HCE) will be assigned and responsible to work with each member that participates in the program, including spouses. The goal of the HCE is two-fold. First, they are to work with the individual member in assisting them in obtaining personal wellness goals. Such goals shall come from the members' PCP. However, at the sole option of the member, the goals may be established by HCE. Second, the HCE will inform the City annually if the member met any standard(s) that are required during the year.

The HCE will work directly with the member as frequently as considered necessary in order to assist the members in obtaining their personal goals. Educational and motivation shall be a core component of the HCE's role. In all circumstances, the HCE will meet at least twice during the year with the member. Meetings are primarily designed to be on the job site and private. Phone consultation and email may be used as an alternative method for meetings, given that at least one of the meetings annually has been in person, unless mutually agreed otherwise.

*Health Risk Assessment is a medical/lifestyle questionnaire that will be circulated annually.

Specific Goals and Measurements: The parties understand that a large percentage of the cost for health insurance is directly related to the actual previous year's usage of the services covered by the insurance (currently sixty two percentage (62%) of the weighted average method used by the current provider). In order to reduce the cost to both the individual members and the taxpayers of the City of Lewiston, the parties agree to focus efforts of the following three categories. These three categories have demonstrated impact on the usage of health care services.

1. Non-Tobacco Use: all members and spouses are encouraged to become non-users of all tobacco products. In an effort to encourage non-tobacco use, the parties will aggressively explore the potential of making cessation products available at limited or no cost to members and spouses that are enrolled in the program. Uniformed personnel shall not use tobacco products (cigarettes, cigars, and/or chewing tobacco) within or on fire department apparatus, or inside training facilities. A fire department sanctioned tobacco cessation program shall be made available to tobacco users. Tobacco cessation programs must be non-punitive and must include short and long term goals.
2. Exercise Program: all members and spouses are encouraged to meet the exercise requirements that are developed by their PCP. In an effort to encourage members and spouses to maintain a healthy lifestyle, the parties will aggressively explore

the potential of making programs and incentives to members and spouses that are enrolled in the program.

3. **Weight Management:** all members and spouses are encouraged to meet weight management goals that are established for them by their PCP.
4. **Best Efforts:** Employees and spouses who participate in the program are expected to meet their specific goals by utilizing their 'best efforts'. The program has two goals: First, to improve the health of each Employee and spouse; second, to reduce the long-term cost of health insurance for each Employee and the City's taxpayers. The use of credits is not intended by the City to be a primary source of savings, but as an instrument to make the program important and meaningful.

The City will meet and discuss with the Union in all cases it deems an Employee/spouse has not met this standard. If the HCE has determined that a participant has not met the standard, that individual may utilize their PCP as evidence to the contrary. Any information provided by the individual's PCP shall be given significant weight in the final determination. Each case will be decided on an individual basis and shall not be used as a reference in any way for any other Employee.

Insurance Caps*: The maximum cap a member may pay for health insurance will be subject to the following chart at the applicable out-of-pocket percentage that is elected to be paid by the individual members based on participation in this program. Premium payments between the fifteen percent (15%) to twenty five percent (25%) shall be determined by using the same formula, as outlined below (cap based on a per-week amount):

New employee Health Insurance condition of employment compliance: Employees hired on or after 07-01-07 shall maintain annual compliance with the following criteria:

1. **Yearly Aerobic Capacity Test:** Successful completion of an Aerobic Capacity test administered by a qualified tester. Parameters of the test are outlined below.
2. **Yearly Flexibility Evaluation:** Successful completion of a flexibility evaluation administered by a qualified tester.

An employee who does not meet the above listed criteria for non-medical reasons shall be allowed six (6) months and three (3) opportunities from the point of non-compliance to re-establish compliance. Properly documented Medical conditions shall receive appropriate consideration.

Note: This employment condition applies to all employees hired on or after July 1, 2007 and not just those participating in the City Health Insurance Plan.

Dedicated Exercise Time:

Dedicated on duty time for exercise shall be provided. While the scheduling may vary due to emergency calls, special training, and other duties, 60 minutes of every weekday shift is required. The current schedule of weekday training will be amended to include an additional 60 minutes of a mandatory physical fitness session for all firefighters. In the best interest of the members the fitness session will be scheduled at the end of the training period between the hours of 3:00-4:00 p.m. (Monday-Friday) whenever possible. However, the training schedule may be revised to allow the fitness session to occur during normal training periods. Those uniformed personnel working a 37-40 hours or other similar administrative shift shall also be provided the opportunity to exercise during the workday. The health, fitness, and wellness of all uniformed personnel must be maintained as a priority. The Initiative believes that labor and management should work together through this program to ensure full participation by all uniformed personnel.

Note: Dedicated exercise time applies to all personnel and not just those participating in the City Health Insurance Plan.

Peer Fitness Trainers:

The Department shall certify 3 IAFF Peer fitness trainers to assist in the fitness training of on duty firefighters. The peer fitness trainer will be available to develop a personalized exercise program for each employee if requested. The peer fitness trainers shall administer the Aerobic Capacity and Flexibility evaluation in conjunction with a member of the management team. The peer fitness trainer will be responsible for submitting all test results to the HCE for review and approval. The peer fitness trainers shall perform the duty of fitness trainer when in an off duty status. The Chief shall develop and review the peer fitness trainers schedule with the Labor Management Committee.

Note: The HCE will administer the Aerobic Capacity Evaluation for the spouse.

Wellness-Fitness Initiative Tobacco Cessation Policy:

- I. Current fire department uniformed personnel shall not use tobacco products (cigarettes, cigars, and/or chewing tobacco) within or on fire department apparatus, or inside training facilities. A fire department sanctioned tobacco cessation program shall be made available for tobacco users. Tobacco cessation programs must be non-punitive and must include short and long term periods.

Evaluation Program Definitions:

Yearly Aerobic Capacity Evaluations*:

Parameters utilizing Central Station Treadmills and Stepmill (protocols are determined by the IAFF/IAFC Wellness-Fitness initiative and shall be jointly agreed upon). All uniformed personnel must understand that the goal of this evaluation is solely for personal fitness improvement. Every uniformed personnel is expected to improve with an assessment and a personalized exercise program.

Yearly Flexibility Evaluation*:

Improvement standard. Flexibility is the functional measure of the range of motion of a joint. It is dependent on the pliability of the surrounding tissue (i.e. muscles, tendons, ligaments). For the purpose of this evaluation, trunk flexion will be evaluated by a sit-and-reach test. This test is commonly used to assess low back and hip flexibility. The test will be administered according to the sit-and-reach test protocol method, the goal of this evaluation is solely for personal fitness improvement.

* Capped Costs

Effective at the signing of the contract thru 1/1/19

% Minimum	
Rate – 15%	\$95.16
MxHIP	
Rate – 25%	\$154.54

***the capped costs remain in place unless negotiated otherwise.**

Employee Contributions Percentage Determination: The following shall be used to determine the amount paid, as a percentage, by members for their respective cost of the health insurance coverage, subject to the caps above (until January 1, 2006, all members pay a maximum of 10%.) After January 1, 2006, members are expected to pay up to twenty five percent (25%)* before credits for the cost of health insurance.

- (1) Members who have actively participated in the Fire Service Joint Labor Management Wellness-Fitness Initiative, completed annually, the Health Risk Assessment and met the physical exam requirement above shall receive the following credit towards the twenty five percent (25%) payment:
 - i. Members with single coverage or single coverage dependent children shall receive ten percentage (10%) credits
 - ii. Members with spouse coverage and/or family coverage shall receive ten percent (10%) credit.
- (2) Spouses that are covered by the City's insurance plan shall receive three percentage three percentage (3%) credits if they have completed the

annual Health Risk Assessment, participated in the HCE program and met the annual physical exam requirement above.

- (3) Spouses that have met item two (2) and above, may also receive an additional two percentage (2%) credits if they are successful in meeting one of the three categories listed above (i.e. non-tobacco use, exercise, or weight management program). However, only a maximum of two percentage (2%) credits may be obtained.

Under no circumstance may the credits be combined in any fashion to lower the Employee's percentage below an out-of-pocket contribution of fifteen percent (15%).
*Effective upon the signing of the contract.

Aerobic Capacity Incentive*: Successfully completing the following three (3) components will yield a yearly \$400.00 bonus for employees and \$300.00 for spouses covered by the City's insurance plan: The employer will schedule evaluations for employees during on-duty hours. Convenient times will be scheduled for spouses with the HCE. Bonus will be paid in the next payroll period from the date the test was successfully completed. Evaluating the aerobic capacity of participants will be conducted using a Treadmill or Stepmill. Measurements of aerobic capacity will be performed at submaximal levels using the Wellness Fitness Initiative protocols. The submaximal aerobic assessments developed for the WFI are based on the heart rate response during a graded exercise. It is important to note that all submaximal tests are based on regression equations and are subject to various prediction errors including: variance in determining target heart rate, heart rate fluctuations due to dehydration, anxiety, and medications. The magnitude and frequency of these prediction errors are reduced by using a well-validated submaximal test and appropriate medical prescreening.

*Effective on January 1, 2018

1. Mandatory Body Fat Analyzer: If standard is not met, then a 40" waist or less for males and 35" or less for females.
2. Aerobic Capacity Test: Successful completion of an Aerobic Capacity test administered by a qualified tester on the candidate's preference of a Treadmill or Stepmill for firefighters. Spouses will perform the test on an appropriately* equipped treadmill. The 2008 WFI calculates target sub-maximal heart rate $(208 - (0.7 \times \text{age}) \times 0.85)$. The Aerobic Capacity Test will be administered in accordance with the WFI (Wellness Fitness Initiative) protocols as outlined in the WFI in regards to the Treadmill and Stepmill testing 2008 edition. A successful completion of the test shall be based upon an Average rating using the attached Maximal Rating conversion charts (male-female) below. Ratings less than average will exclude the firefighter or spouse from payment of the incentive payment(s).

*Treadmill - The treadmill shall be a commercial treadmill capable of obtaining a minimum of 15%grade and 10mph.

Table 5.5
Target Heart Rate for Respective Age

Age (yrs)	THR (BPM)						
18	166	29	160	40	153	51	146
19	165	30	159	42	152	52	146
20	165	31	158	42	152	53	145
21	164	32	158	43	151	54	145
22	164	33	157	44	151	55	144
23	163	34	157	45	150	56	143
24	163	35	156	46	149	57	143
25	162	36	155	47	149	58	142
26	161	37	155	48	148	59	142
27	161	38	154	49	148	60	141
28	160	39	154	50	147	61	140

THR Formula: $[208 - (0.7 \times \text{age})] \times 0.85$

Remove deletion of stairmaster.

**The WFI test was validated on a unit that has 20 intensity levels. It is imperative that the administrator insure that the unit is calibrated to the same steps-per-minute rate for each level indicated in the testing protocol. Refer to Table 5.0

Table 5.0

Level	Steps/min	Level	Steps/min
1	24	11	97
2	31	12	104
3	39	13	111
4	46	14	118
5	53	15	126
6	60	16	133
7	65	17	140
8	72	18	147
9	82	19	155
10	89	20	162

Intensity (steps/min) for each level on the Stepmill

Note: If the Stepmill is **not** calibrated to the same steps/min Rate as the 20-level table, the test may be **invalid** for your Stepmill.

VO2 Prediction Formula**

Treadmill Sub-maximal VO2 Prediction Formula

$$VO_{2max} = 56.981 + (1.242 \times TT) - (0.805 \times BMI)$$

*Note: TT is the time in minutes that the participant's THR was exceeded and the test terminated

** Testing will be administered in accordance with WFI 2008

MAXIMAL OXYGEN UPTAKE NORMS FOR MEN (ml/kg/min)

	18-25 years old	26-35 years old	36-45 years old	46-55 years old	56-65 years old	65+ years old
excellent	>60	>56	>51	>45	>41	>37
good	52-60	49-56	43-51	39-45	36-41	33-37
average	47-51	43-48	39-42	35-38	32-35	29-32
average	42-46	40-42	35-38	32-35	30-31	26-28
average	37-41	35-39	31-34	29-31	26-29	22-25
poor	30-36	30-34	26-30	25-28	22-25	20-21
very poor	<30	<30	<26	<25	<22	<20

MAXIMAL OXYGEN UPTAKE NORMS FOR WOMEN (ml/kg/min)

	18-25 years old	26-35 years old	36-45 years old	46-55 years old	56-65 years old	65+ years old
excellent	56	52	45	40	37	32
good	47-56	45-52	38-45	34-40	32-37	28-32
average	42-46	39-44	34-37	31-33	28-31	25-27
average	38-41	35-38	31-33	28-30	25-27	22-24
average	33-37	31-34	27-30	25-27	22-24	19-22
poor	28-32	26-30	22-26	20-24	18-21	17-18
very poor	<28	<26	<22	<20	<18	<17

source: these norms have been derived from several and now unknown sources

3. Non-tobacco user.

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6	Workers' Compensation Coverage	8	2
3	Working out of Classification	6	2
5	Work Related Injuries	7	2
24	Work Stoppage & Disciplinary Action	19	
9	Workweek (Firefighters)	9	1

Memorandum of Understanding

The Lewiston Firefighters Association (hereinafter referred to as the "the Association") and the City of Lewiston (hereinafter referred to as "the City") agree to the following:

Collective Bargaining Agreement revisions between the parties have been agreed to in regards to vacation accumulations for firefighters with 25 years or more of service, these revisions are instituted effective July 1, 2014.

Firefighters have the following options in their utilization of retroactive vacation days upon signing of this MOU.

- Firefighters may apply retroactive vacation days to their current reserved vacation balance regardless of what their current balance maybe.
 - o In the event that the retroactive/reserved vacation days are not utilized prior to February 28, 2018 these retroactive/reserved vacation days* will be applied to their available balance for vacation selection on or after March 1, 2018. Vacation days will be in accordance with the rules of selection outlined in the Collective Bargaining Agreement. * Previously selected (non-retroactive) reserved vacation days must be used in accordance with the Collective Bargaining Agreement and are not applicable to the March 1, 2018 application of rolled over available reserved balances.
- Firefighters may select retroactive vacation days in accordance with availability for selection upon the signing of this agreement. The day after the signing of this agreement and consisting of 3 weekdays after the signing of this agreement selection will be based upon the pertinent portions of Article 11 Sec. 2 for Lieutenant's and Private's and Article 11 Sec. 3 for Captain's in regards to the availability and selection process. Remaining vacation days not selected or available will be added to their balance as reserved balance and will be available for future selection as a reserved selection in accordance with the Collective Bargaining Agreement. Vacation days not selected immediately or as a reserved vacation will be an available balance of vacation days on or after March 1, 2018 for selection in accordance with the Collective Bargaining Agreement.
- Firefighters may apply all or a portion of their retroactive vacation days to their deferment selection in accordance with Article 11 sec 8 if not previously utilized or maximized.
- Firefighters making application for the In-service retirement option may utilize any of the above available options.

Richard Cailler
President
Lewiston Firefighters Association
Date: _____

Edward Barrett
City Administrator
City of Lewiston
Date: _____

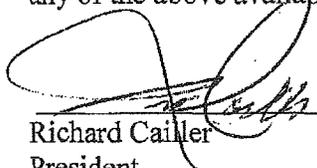
Memorandum of Understanding

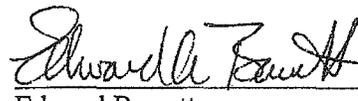
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Collective Bargaining Agreement revisions between the parties have been agreed to in regards to vacation accumulations for firefighters with 25 years or more of service, these revisions are instituted effective July 1, 2014.

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- Firefighters may select retroactive vacation days in accordance with availability for selection upon the signing of this agreement. The day after the signing of this agreement and consisting of 3 weekdays after the signing of this agreement selection will be based upon the pertinent portions of Article 11 Sec. 2 for Lieutenant's and Private's and Article 11 Sec. 3 for Captain's in regards to the availability and selection process. Remaining vacation days not selected or available will be added to their balance as reserved balance and will be available for future selection as a reserved selection in accordance with the Collective Bargaining Agreement. Vacation days not selected immediately or as a reserved vacation will be an available balance of vacation days on or after March 1, 2018 for selection in accordance with the Collective Bargaining Agreement.
- Firefighters may apply all or a portion of their retroactive vacation days to their deferment selection in accordance with Article 11 sec 8 if not previously utilized or maximized.
- Firefighters making application for the In-service retirement option may utilize any of the above available options.


Richard Cailler
President
Lewiston Firefighters Association
Date: 9-21-17


Edward Barrett
City Administrator
City of Lewiston
Date: 9-21-17

MEMORANDUM OF UNDERSTANDING

The Lewiston Firefighters' Association [hereinafter referred to as the 'Association'] and the City of Lewiston [hereinafter referred to as the 'City'] agree to the following:

The parties agree that the creation of a City Volunteer Corps shall not waive any of the provisions of the Collective Bargaining Agreement existing between the parties. The parties agree that the Volunteer Corps [or similar venture in scope or name] shall be staffed by individuals that have been screened by the City and assigned to the Fire Department. These individuals will provide clerical-type functions only and shall not perform those duties routinely done by the members of the Association. Furthermore, this program shall not in any way create a situation that would limit any member the potential ability to sustain his/her employment status in the event of injury or disease. In the event this situation exists, the City would still provide the opportunity for the employee to maintain their job status by the use of 'light-duty' work assignments until they either return to work or receive approval for disability benefits.



Phil Nadeau
Deputy City Administrator



Rick Cailler
President, Local 785, IAFF

1-29-10
Dated



Executive Department
Phil Nadeau
 Deputy City Administrator
 Director, Human Resources Department



SIDE LETTER OF AGREEMENT

The City of Lewiston (City) and Local #785, International Association of Firefighters (Unit), hereby agree to approve this Side Letter of Agreement to reflect the following:

1. Unit will agree to withdraw its Bargaining in Bad Faith Grievance filed on 5/19/2010 without prejudice.

5-26-13
 Date
9-28-13
 Date
3-29-13
 Date
3/27/13
 Date

[Signature]
 Signed (Union President)
[Signature]
 Signed (Union Representative)
[Signature]
 Signed (City Administrator)
[Signature]
 Signed (Chief Negotiator)



Executive Department
 Phil Nadeau
 Deputy City Administrator
 Director, Human Resources Department



SIDE LETTER OF AGREEMENT

The City of Lewiston (City) and Local #785, International Association of Firefighters (Unit), hereby agree to approve this Side Letter of Agreement and mutually agree to the following:

The City of Lewiston and the Lewiston Firefighters Association recognize that providing life-saving services is essential to the evolving role of the modern day fire department. Delivery of EMS services based upon quick response times, properly allocated resources, capably trained and staffed emergency response personnel are directly related to survival rates for those in need of Emergency Medical Services. The City and the Association agree to meet and mutually explore the following during successor negotiations:

- Discuss the licensing of the fire department to respond to additional emergency medical calls. The city may opt to enter into discussions with OAS regarding potential reimbursements for such services.
- Discuss the scope of the increased services and the requirements necessary from all parties to provide these additional services, including the discussion of potential stipends for qualified employees.
- To commence these successor negotiations within 10 days of the city's first contract proposal for the next CBA.

3-28-13
 Date

3-28-13
 Date

3-27-13
 Date

3/27/13
 Date

[Signature]
 Signed (Union President)

[Signature]
 Signed (Union Representative)

[Signature]
 Signed (City Administrator)

[Signature]
 Signed (Chief Negotiator)



Executive Department
 Phil Naclean
 Deputy City Administrator
 Director, Human Resources Department



SIDE LETTER OF AGREEMENT

The City of Lewiston (City) and Local #785, International Association of Firefighters (Unit), hereby agree to approve this Side Letter of Agreement to reflect the following:

Unit will agree to withdraw Personal Reduction Grievance filed on 5/19/2010 without prejudice in accordance with the following conditions:

- A. In recognition of the grievance withdrawal, the parties agree with the following as part of a new Lewiston Fire Department standard which will be incorporated as part of the Collective Bargaining Agreement, Article 9 Section 5:

The Lewiston Fire Department recognizes the National Incident Management System (NIMS) as its standard for the efficient organization of emergency incident delivery within its jurisdiction and for the development and implementation of this policy for safe fire ground operations. Any confined structure fire (Condition Yellow or Red) will require the establishment of the following sectors based on the availability of On-Duty Firefighters and Recall Personnel. Whenever possible, those sectors will be filled by uniformed Lewiston Association firefighters:

- Command (On duty Captain)
- Rear Sector (Recall Officer)
- Staging (Recall Captain located at Central Station)
- Safety Officer
- Operations Officer

- B. The following fire ground operations language shall be incorporated as part of the Lewiston Fire Department SOP:

Fire Ground Operations Standard Operating Procedure

The Lewiston Fire Department recognizes the National Incident Management System (NIMS) as its standard for the efficient organization of emergency incident delivery within its jurisdiction, and for the development and implementation of this policy.

Response to Alarms:

- The Chief, Asst. Chief will be notified and respond whenever a Condition Yellow/Red and/or First, Second or Third Alarm exists within the City of Lewiston.
- Standard Box Assignment: (3) Engine Companies, (1) Ladder Truck, Incident Command (Unit 415/416).
- Reported Structure Fire: (4) Engine Companies, (1) Ladder Truck, Incident Command (Unit 415/416).

- Any Structure Fire (Condition Yellow or Red) that is reasonably expected to last duration of more than 30 minutes will be classified as a Second Alarm Recall Fire which will include the recall of the Outgoing platoon. A Second Alarm Page will be sent by Comm. Center via the Fire Department Paging System.
- Any confirmed structure fire (Condition Yellow or Red) will require the establishment of the following sectors. These sectors whenever possible will be filled based on the availability of On-Duty Firefighters and Recall Personnel by uniformed Association firefighters.
- Command (On duty Captain)
- Rear Sector (Recall Officer)
- Staging (Recall Captain located at Central Station)
- Safety Officer
- Operations Officer

Multi Story Tenement or High Occupancy Location:

- Any confirmed structure fire (Condition Red) in a multiple story tenement or high occupancy location of 2 or more stories will require a third alarm response and the establishment of the following sectors.
- These sectors shall be filled based on the availability of On-Duty Firefighters and Recall Personnel whenever possible by uniformed Association firefighters.
- Command (On duty Captain)
- Rear Sector (Recall Officer)
- Staging (Recall Captain located at Central Station)
- Safety Officer (Recall Officer)
- Operations Officer (Recall Officers)
- Division Officers (Recall Officers)

Special Note:

High Manpower Value Response Incidents: In those instances that would elicit a reasonable potential for mass casualty, difficult evacuation, potential problematic removal of victims, (4) Engine Companies and (1) Ladder Truck, Incident Command (Unit 415/416) shall be the standard assignment. Examples: Central Maine Medical Center, St. Mary's Regional Medical Center, All City grade Schools public or private and Care Facilities or elderly housing units with more than 50 resident population.

3-28-13
Date

3-28-13
Date

3-27-13
Date

3-27-13
Date

[Signature]
Signed (Union President)

[Signature]
Signed (Union Representative)

[Signature]
Signed (City Administrator)

[Signature]
Signed (Chief Negotiator)



Executive Department
 Phil Nadeau
 Deputy City Administrator
 Director, Human Resources Department



SIDE LETTER OF AGREEMENT

The City of Lewiston (City) and Local #785, International Association of Firefighters (Unit), hereby agree to approve this Side Letter of Agreement to reflect the following:

1. Both the City and Unit agree to amend the "Lewiston Fire Department Roster System Guidelines" (Revised: 5/1/09) as follows:

Overtime Roster System - General Rules (Page 6)

- Item 6. Any vacancy requiring the hiring of overtime will be done from the same list from which the vacancy has occurred, except for the following:
- a) If a vacancy cannot be filled from the Lieutenant's list, one may be hired from the Senior Private's List, then the Junior Private's list, then the K-Men's list.
 - b) If a vacancy cannot be filled from the Senior Private's list, one may be hired from the Lieutenant's list, then the Junior Private's list, then the K-Men's list.
 - c) If a vacancy cannot be filled from the Junior Private's list, one may be hired from the Senior Private's list, then the K-Men's list, then the Lieutenant's list.
 - d) If a vacancy cannot be filled from the K-Men's list, one may be hired from the Junior Private's list, then the Senior Private's list, then the Lieutenant's list.
 - e) If a vacancy that cannot be filled from the specific position list and it would require the hiring of a Lieutenant and as a result of that hiring two Lieutenants would be assigned to the same apparatus the Chief shall reserve the right to transfer the overtime Lieutenant after 7:00 a.m. to occupy the position of the least senior Acting Lieutenant on duty that day.

7/31/12
 Date _____
 7/31/13
 Date _____
 3/28/13
 Date _____
 3/28/13
 Date _____

[Signature]
 Signed (Union President)
[Signature]
 Signed (Union Representative)
[Signature]
 Signed (City Administrator)
[Signature]
 Signed (Chief Negotiator)



Executive Department
Phil Nadeau
Deputy City Administrator
Director, Human Resources Department



SIDE LETTER OF AGREEMENT

The City of Lewiston (City) and Local #785, International Association of Firefighters (Unit), hereby agree to approve this Side Letter of Agreement to reflect the following:

1. Unit will agree to withdraw its True Cost of Living Adjustment (TCLA) Grievance filed on 8/2/2012 without prejudice.

3-28-13
Date
3-28-13
Date
3-27-13
Date
3/27/13
Date

[Signature]
Signed (Union President)
[Signature]
Signed (Union Representative)
[Signature]
Signed (City Administrator)
[Signature]
Signed (Chief Negotiator)

Memorandum of Agreement

As settlement to the grievance between the parties regarding Holiday Meal Coverage dated December 26, 2017, the Lewiston Firefighters Association (hereinafter referred to as the "the Association") and the City of Lewiston (hereinafter referred to as "the City") agree to the following:

1. The Captains who worked Christmas Eve 2017 and Christmas Day 2017 between the hours of 7 am and 11:59 pm, and New Year's Day between the hours of 7 am and 11:59 pm will be paid an additional 2 hours at their rate of pay at time of service.
2. In the interest of consistent fire department staffing, Holiday Meal coverage upon the signing of this agreement will be discontinued and replaced by adding two additional hours of straight time pay for firefighters on duty between the hours of 7 am and 11:59 pm on Thanksgiving, Christmas, New Year's Day, and Easter.

This Memorandum of Agreement is the entire agreement of the parties with regard to the matters set forth herein and may not be amended by either party without mutual written agreement.



Richard Cailler
President
Lewiston Firefighters Association
Date: 3/26/18



Edward Barrett
City Administrator
City of Lewiston
Date: 3-26-18