

LEWISTON CITY COUNCIL

WORKSHOP AGENDA

Tuesday, May 12, 2020

City Council Chambers

SESSION WILL BE CONDUCTED REMOTELY AND MEMBERS WILL ONLY PARTICIPATE ELECTRONICALLY. THE MEETING CAN BE VIEWED ONLINE AT <https://www.lewistonmaine.gov/2020cc>

6:00 pm Workshop

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

WORK SESSION

1. Request to repeal Outer Lisbon Street Traffic Impact Fee
2. Update on Public Art
3. Memorandum of Agreement with the Garcelon Cemetery Association
4. Single Election Location for July Primary
5. Social Distancing Pavement Markings
6. Monty Hydro License Amendment

EXECUTIVE SESSIONS

- ES-1. Executive Session to discuss labor negotiations regarding the Lewiston Police Supervisory Command Unit.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, MAY 12, 2020
6:00 PM

1. Request to Repeal Outer Lisbon Street Traffic Impact Fee

In 2005, the City Council adopted an impact fee ordinance affecting development on outer Lisbon Street from the Pleasant Street intersection to the town line. This ordinance was adopted to collect funds to upgrade the road and associated facilities and was adopted based on an anticipated future need to expand this section of Lisbon Street from what was then four lanes to five lanes, including a center turn lane. A new development planned for this area is pending and we have received a request from Connor Realty to repeal this fee. Since the fee was adopted, the configuration of outer Lisbon Street changed from four lanes to three lanes with a center turn lane. This change has worked well and it is now anticipated that it is capable of handling traffic volumes in the area for many years. Given this, and given some inherent problems in how the impact fee ordinance was constructed, staff supports its repeal.

There is also a related issue. The ordinance was initiated in response to a development proposal from Nino Corporation for a convenience store/gas station in the area. In order to receive its traffic movement permit, Nino was required to pay for the cost of transitioning the street from four lanes to three. The ordinance states that any project in the corridor that pays for improvements in addition to the impact fee would receive a 50% credit toward the fee for every dollar spent, and this was done for the Nino project. Subsequently, however, late in 2005, Nino requested the City reimburse the full cost of the improvements they made, either immediately or through future impact fee payments. The Council eventually agreed to reimburse Nino for those improvement costs over and above the impact fee they paid, with reimbursement to come from future impact fee revenues collected and, if those fees were inadequate, to revisit the issue in 2007. Although an amount remained due in 2007, the issue was never revisited. See the attached memo from David Hediger for a full history of this situation. Also attached is the request and associated information from Connor Realty.

2. Public Art

In January 2019, the LA Metro Chamber of Commerce and L/A Arts, with formal support from both the City of Lewiston and the City of Auburn, were awarded a Maine Arts Commission grant for \$75,000 to support the implementation of Cultural Plan LA, a plan approved by both cities in 2016. Specifically, this grant funding was awarded to "utilize arts and culture to spur economic development and enhance LA's image to attract residents, tourism, and new investment" and to "further the position of arts and culture in local government." Part of the implementation plan is to create and cultivate broad-based support for a public art plan for the community, select and install two pieces of public art, and cultivate support in the community for public art. The Council previously reviewed and adopted the public art plan. The public art working group has solicited proposals for the public art piece to be located in Lewiston and would like to present its

recommendation to the Council. Representatives of that group will be present on Tuesday to present this plan. Please see the attached information.

3. Memorandum of Agreement with the Garcelon Cemetery Association.

In 2014, David Garcelon, the President of the Garcelon Cemetery Association, requested a donation from the City to assist in offsetting the cost of maintaining the Cemetery since the Association was running low on funds and members willing to volunteer to perform maintenance activities. In addition, he indicated that the City of Lewiston actually owns a portion of the cemetery. At that time, the Council did not provide funding noting that the Association was managing to address basic needs. More recently, he again contacted the City indicating that the Association's membership and funds have declined to the point where it will soon be unable to perform or pay to contract for maintenance and requesting that the City assume maintenance responsibilities. It should be noted that the Cemetery consists of three lots. Lot 1, which we have generally believe to be owned by the Association; Lot 14, which we believe is owned by the heirs of John B. Garcelon; and lot 15, owned by the City by virtue of an 1871 deed. After the most recent discussion with the Council in 2019, the Council directed staff to work with David Garcelon, a representative of the association, to reach an agreement regarding maintenance and other responsibilities for the cemetery. That has been done and a proposed agreement is attached along with some related background information.

4. Single Election Location for July Primary

As the Council is aware, the school budget validation election normally held in May and the state primary election in June have been moved to July. The City Clerk anticipates that the current COVID 19 concerns will likely result in a very high absentee ballot percentage and is concerned that it will be difficult to recruit election workers given the health concerns of poll workers and the timing in the middle of summer. She would like to explore with the Council consolidating this election at the Longley School.

5. Social Distancing Pavement Markings

As businesses begin to reopen, they are planning on how to do so safely, particularly as regards social distancing between customers. In some instances, businesses have entrances located on or near the public right of way and at least one has approach the city about placing social distancing markers in the city right of way. It is our intention to approve such requests as long as the materials used are appropriate.

6. Monty Hydro License Amendment

Brookfield is seeking an amendment to the FERC license for the Monty Hydro project that would reduce the project boundaries, which now extend approximately five miles downstream to an area just below the dam in downtown Lewiston. Staff recommends that we submit comments to FERC on this proposal. Please see the attached information.

7. Executive Session – Contract Negotiations – Police Command Staff



4846 Sun City Center Blvd., #300
Sun City Center, FL 33573-6281
(207) 513-6123

April 27, 2020

Edward A. Barrett, City Administrator
City of Lewiston
27 Pine Street
Lewiston, ME 04240-7201

Re: Outer Lisbon Street Traffic Impact Fee

Dear Mr. Barrett:

I have prepared this letter on behalf of my client, Connor Realty, LLC (Connor). Connor has submitted a Site Plan Review application to construct a Dunkin Donut shop to be located in a multi-tenant building at 1896 Lisbon Street. As we have worked through review of this project, we have been advised that we will be subject to the Outer Lisbon Street Traffic Impact Fee requirements of Chapter 66, Article VI. Connor would like the City to consider repealing this ordinance as it is unfair and technically not necessary.

As you know, I have been involved in the site design and approvals process for many development projects in the City. Even with my experience, this was the first time I have seen this ordinance. This is even a little more surprising when I saw that the ordinance was the result of a project at 1930 Lisbon Street that I got approved. That approval was only possible with the reduction of the existing 4-lane road section on outer Lisbon Street to a 3-lane, center turn lane, section.

The lane reductions were possible because there was a limited number of daily trips on outer Lisbon Street at that time and there were conflicts with turning movements and the travel speeds in this area. The engineers involved at that time all felt that a 3-lane center turn lane would be safer for the

travelling public and would reduce speeds along that section of Lisbon Street. It was also felt that the 3-lane section would provide safe travel for many years, given the volume of trips on the street at that time.

MDOT records show AADT trip volumes on Lisbon Street at the Lisbon Town Line in 2005 were 13,580. See the attached MDOT historic trip records for this location. When the project at 1930 Lisbon Street was approved, it was expected that a 3-lane street section could safely support AADT trip volumes in excess of 22,000 trips per day. As you review the MDOT records for this location, you will find the AADT for 2019 is only 11,640. The peak AADT count between 2005 and 2019 was in 2006 with a count at 13,750.

I have also attached MDOT AADT records for a location on Lisbon Street east of Westminster Street for comparison. Counts at this location were not taken as often as they were at the Town Line location, but they do have counts between 2011 and 2017. During this period, the peak AADT count was 16,150 in 2017. As you may know, this count is in the 4-lane section of Lisbon Street, located west of Elmet Technologies and other area business. That would explain the higher trip volumes report from the Town Line location.

I believe these MDOT historical counts provide 14 years of technical support that outer Lisbon Street traffic volumes, specifically at the Lisbon Town Line, have decreased since this ordinance was enacted in 2005. The ordinance was enacted because the City felt that development pressure would increase traffic volumes and require expansion of outer Lisbon Street to a 5-lane section - a totally opposite condition than where we are today. In fact, only one project in the last 15 years has been required to pay this impact fee and that was back in 2005. That impact fee paid would need to be returned to the developer under the ordinance if it is not used within 15 years of the date it was collected. The development pressure this ordinance envisioned has just not occurred.

It is also important to understand that the Connor project is expected to secure approval of a Traffic Movement Permit (TMP) indicating that, under full

occupancy, this project will operate safely with the current 3-lane section without any off-site improvements. I have secured approvals for several Dunkin projects and I don't recall getting any of those approved without some off-site improvements. Why would the City require Connor to pay in impact fee based upon the costs to construct a 5-lane street when my Traffic Study indicates that the project will operate safely with the current 3-lane street design and no off-site improvements are required to secure our TMP? This ordinance is technically not necessary if the street is operating safely in the current conditions.

The ordinance as written is grossly unfair. The ordinance was established to collect impact fees from new development to cover a portion of the costs to expand this street to 5 lanes. Some of the reasons for the ordinance are repeated below:

- (3) The imposition of impact fees is a preferred method of insuring that new development bears a proportionate share of the cost of capital investments necessary to accommodate such development. Appropriate locations for new development in Lewiston and the capital improvements necessary to accommodate such development are consistent with the city's comprehensive plan and capital improvements program;
- (4) New development generates additional traffic, necessitating the acquisition of rights-of-way, road construction and road improvements;
- (5) The impact fee has been derived from the city's determination that development along Outer Lisbon Street will require that road capacity is expanded by widening it to five lanes or through similar infrastructure upgrades. The city anticipates funding ten percent of the necessary road improvements, with remaining funding provided by state and federal sources. The city's effort to seek alternative sources of funding will reduce the amount of the impact fee sought under this article to five percent of the cost of impacts created by new development.

While collection of impact fees from all new development along outer Lisbon Street makes sense, the ordinance defines development and traffic movement permit (TMP) as follows:

"Development" is any change in land use or any construction of buildings or structures or any change in the use of any structure along Outer Lisbon Street which requires a traffic movement permit.

"Traffic movement permit" is a permit obtained from the City of Lewiston or Maine Department of Transportation for any development that generates 100 or more passenger car equivalents at peak hour.

So, while the reason for the ordinance is to collect fees from any "new development", it really only applies to projects that generate more than 100 trips in the peak hour. As a practical matter, every project constructed on this outer Lisbon Street corridor will increase traffic volume on this street. A single-family home would add 10 trips per day to this street. Three commercial buildings generating 99 peak hour trips each will add 297 peak hour trips to this street. Yet none of these projects would be subject to this impact fee ordinance because they don't require a TMP.

Our project will generate 246 trips in the AM peak hour. It has been proven by traffic studies that a Dunkin project will only generate 15% of the total trips as "new primary trips" to the street system, 70% of the trips are by-pass trips and the remaining 15% of the trips are diverted trips. This means that our project will add only 37 new peak hour trips to the Lisbon Street system but, because we trigger a TMP we are subject to the impact fee, while none of the projects noted above are required to pay a fee because a TMP is not required.

To be fair, every project adds trips to this street and therefore, every project should be subject to the impact fee. The impact fee ordinance as written is grossly unfair and, if challenged in court, could be thrown out. I understand that City Staff agrees that the ordinance is not fair and that the courts would likely rule against the City if the ordinance was challenged.

In summary, the traffic volumes along outer Lisbon Street have decreased since this ordinance was enacted. The ordinance is grossly unfair because it does not treat every project equally for every vehicle trip added to

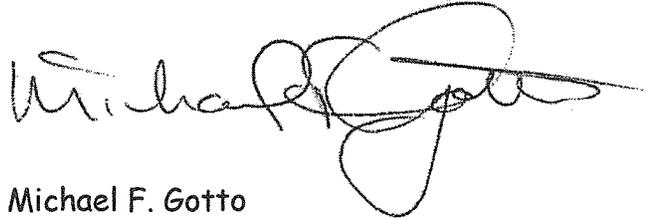
April 27, 2020
Edward Barrett
RE: Traffic Impact Fee
Page 5

the street system. I hope you will consider this request by Connor to repeal this ordinance. At a minimum, the ordinance needs to be rewritten to treat all projects along outer Lisbon Street equally.

We would be happy to meet with you and Staff to discuss this request. We would also be available to meet with the City Council, if necessary, to support this request. Please let me know if you have any questions.

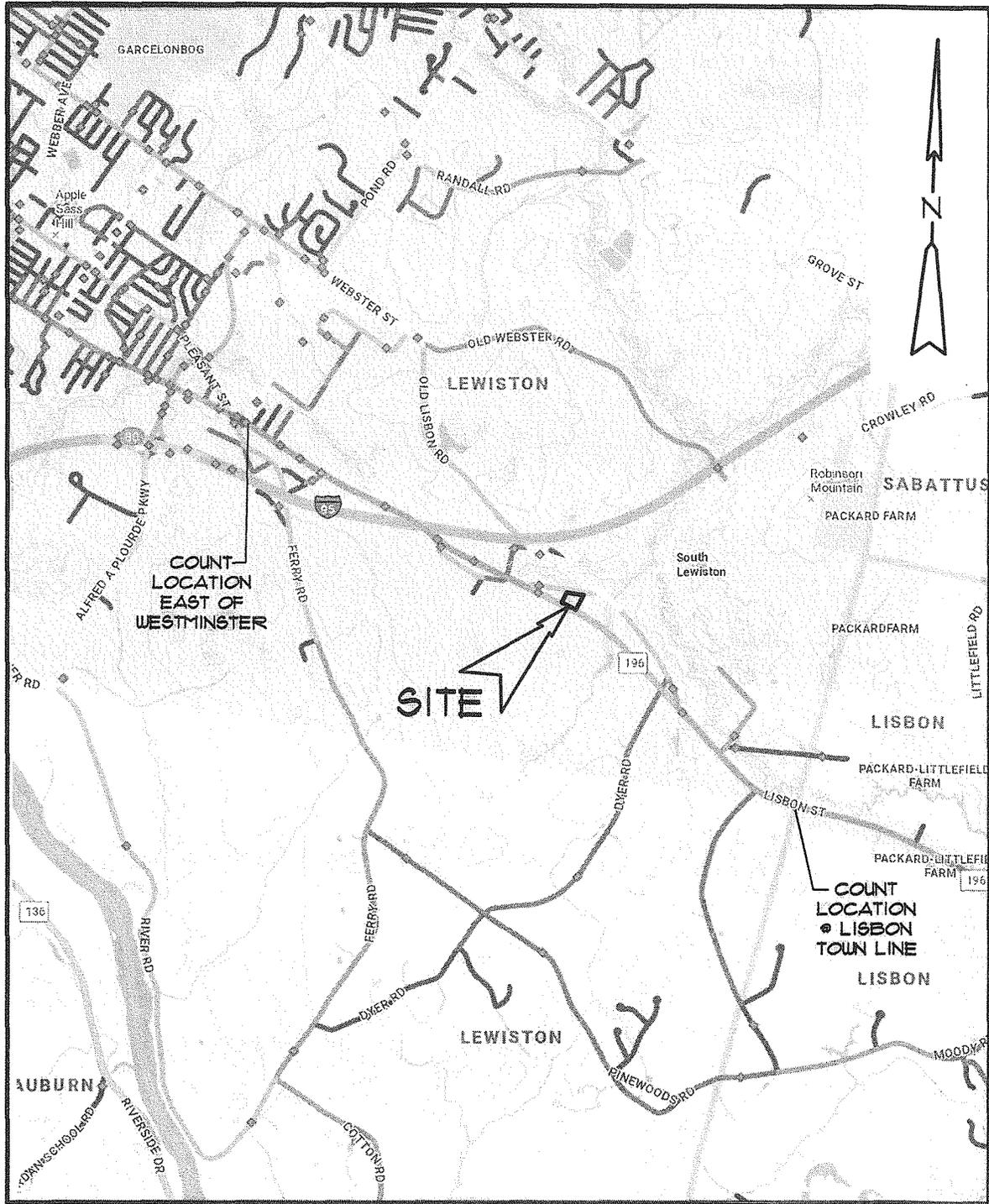
Respectfully Yours

STONEBROOK LAND USE, INC.

A handwritten signature in black ink, appearing to read "Michael F. Gotto", with a long horizontal stroke extending to the right.

Michael F. Gotto

cc: Michael Connor
David Hediger
Councilor Lee Clement



TRAFFIC COUNT MAP

1896 LISBON STREET - LEWISTON
 OWNER: CONNOR REALTY, LLC
 SCALE: NOT TO SCALE
 DATE OF GRAPHIC: APRIL 24, 2020
 SOURCE: MAINE DOT
 PUBLICATION DATE: AUGUST 30, 2018

Stoneybrook
 Land Use, Inc.

At Lisbon Town Line
 2173 Lisbon St, Lewiston
 Lisbon, Androscoggin County

(Unk ft.)

44.051153, -70.132617

Historic Station Counts 1
130105010600
ID: 130105010600 - Count: 31

Year	AADT	Date Collected	Type	Detail Type	Group	Historic Factor
2019	11640		V	A	I	
2018	11910		V	A	I	
2017	11980		V	A	I	
2016	12080		V	A	I	
2015	11980		V	A	I	
2014	11850		V	A	I	
2013	11680		V	A	I	
2012	11830		V	A	I	
2011	12150		V	A	10600	
2008	12340	06/10/2008	V	C	I	0.89
2007	13700	05/15/2007	V	L	I	0.93
2006	12750	06/12/2006	V	C	I	0.9
2005	13580	06/02/2005	V	L	I	0.91
2004	14520	06/03/2004	V	L	I	0.91
2002	14420	05/07/2002	V	L	I	0.94
2000	14380	05/02/2000	V	L	I	0.97
1999	13290	04/27/1999	C	L	I	0.97
1997	11510	05/05/1997	C	L	I	0.93
1996	12250	04/25/2006	C	L	I	0.97

1995	10890	05/08/1995	C	L	I	0.93
1994	12150	04/12/1994	C	L	I	0.99
1992	11220	03/05/1992	C	L	I	0.93
1991	11410	06/19/1991	C	L	I	0.89
1990	12690	05/02/1990	C	L	I	0.93
1989	11690	05/03/1989	C	L	I	0.93
1988	11100	06/20/1988	C	L	I	0.89
1987	10320		V	H	I	
1986	10630		V	H	I	
1984	9370		V	H	I	
1983	9220		V	H	I	
1982	8570		V	H	I	

Historic AADT Max 14520

Historic AADT Mean 11906

Historic AADT Min 8570

Historic Counts 31

Last AADT 11640

Last Counted 2019

Location SR 196 (LISBON RD) @ LISBON TL

Town Lewiston

Traffic Station ID 130105010600

Zone 2

HCP 1

Lisbon Street - East of Westminster Street

10 Westminster St, Lewiston
Lewiston, Androscoggin County

(Unk ft.)

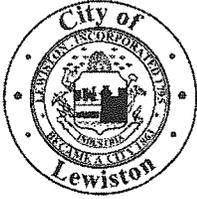
44.073393, -70.176814

Historic Station Counts 1
230105009703
ID: 230105009703 - Count: 8

Year	AADT	Date Collected	Type	Detail Type	Group	Historic Factor
2017	16150	11/14/2017	V	C	I	0.91
2014	15430	06/02/2014	V	C	I	0.89
2011	16010	08/10/2011	V	T	I	0.86
1991	13610	06/19/1991	V	C	I	0.89
1989	17850	09/11/1989	V	C	I	0.92
1988	15920	06/20/1988	V	C	I	0.89
1986	13290		V	H	I	
1984	12705		V	H	I	
Historic AADT Max			17850			
Historic AADT Mean			15120			
Historic AADT Min			12705			
Historic Counts			8			
Last AADT			16150			
Last Counted			2017			
Location			SR 196 (LISBON ST) E/O WESTMINSTER ST			
Town			Lewiston			
Traffic Station ID			230105009703			
Zone			2			

HCP

1



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and Members of the City Council

FROM: David Hediger, Director of Planning and Code Enforcement

DATE: May 6, 2020

RE: Request for repeal of Outer Lisbon Street Impact Fee ordinance

Certain development activity on Lisbon Street/Route 196 is subject to a traffic impact fee as per Chapter 66, Streets and Sidewalks, Article VI of the Lewiston Code of Ordinances. The intent of the impact fee is to collect funds to upgrade roads and related facilities necessitated by new development that impacts traffic along Outer Lisbon Street, as defined, from its intersection with Pleasant Street to the Lewiston/Lisbon town line. Any developer who, on or after August 9, 2005, requires a traffic movement permit (TMP) along Outer Lisbon Street is hereby required to pay a traffic impact fee equal to five percent of the cost of upgrading Outer Lisbon Street's four-lane configuration existing as of August 9, 2005 to five lanes (four travel lanes and an center turning lane) sufficient to address impacts created by the development, based on a traffic engineering study and the size and nature of the development.

The City has received a request from Stoneybrook Land Use, Inc. on behalf of Connor Realty, LLC to repeal this ordinance claiming it is unfair and unnecessary. Staff agrees the ordinance should be repealed.

History of impact fee ordinance

In August 2005, Nino Corporation submitted an application to the Planning Board to construct a convenience store, gas station, Dunkin' Donuts drive-thru, a sandwich shop and automatic car wash at 1930 Lisbon Street. This project was proposed to generate 466 AM and 292 PM peak hour trip during the peak hours of adjacent street traffic on Lisbon Street. Any project that generates 100 or more trips in a peak hour requires a TMP, which involves an in-depth analysis of potential traffic impacts.

As a result of this project, the City learned that based upon MDOT traffic engineering standards, any development along this four-lane section of Lisbon Street that triggers the need for a TMP, will require a center two-way left turn lane. This can be achieved by either reconfiguring Lisbon Street from four-lanes to three-lanes with the center lane being a center two-way left turn lane or the construction of a five-lane section along Lisbon Street (four travel lanes and a center two-way left turn lane).

On August 8, 2005 the Planning Board granted approval with the applicant committing to striping

a three-lane section from the Lisbon town line to the area of northerly intersection of South Lisbon Road and Lisbon Street. The re-stripping of Lisbon Street would need City Council approval.

On August 9, 2005 the City Council directed staff to move forward with the creation of an Impact Fee Ordinance for Outer Lisbon Street, in which the City would escrow the funds for the future construction of five-lanes, voted to reconfigure Lisbon Street/Route 196 from the Lisbon town line to Westminster Street from four lanes to three lanes, and to have the applicant, Nino Corporation, pay for the expense of re-stripping the road from the Lisbon/Lewiston line up to the Maine Turnpike bridge, to be used as credit against an impact fee.

On October 18, 2005 the Council adopted the impact fee as it exists today. Essentially, any project that does not need to make any physical changes to Lisbon Street in order to get a building permit does not have to pay an impact fee. Any project that has to make physical changes to the road in order to receive a permit (given that the road was still four lanes), is subject to an impact fee. The impact fee is 5% of the total cost to make the physical improvements necessary to the road system, based on a five-lane road. This amount was determined by assuming that 75% of future improvements would be paid for by the federal government, 15% would be paid for by the state and 10% would be the local match. The ordinance also states that any project that pays for some improvements in the corridor over and above the impact fee, would receive a 50% credit for every dollar spent on the design and construction of the improvements towards the impact fee.

Collection of impact fee

Since its adoption, only two projects in 15 years have generated the need for TMP, thereby requiring payment of an impact fee. In 2006, the Vineyard Christian Fellowship paid \$24,300 for an expansion of their facility on Foss Road. The second project is Conner Realty, LLC's proposal for a development at 1896 Lisbon Street that was approved by the Planning Board on April 27, 2019 with a pending payment of \$11,850.20.

The \$24,300 received was reimbursed to Nino Corporation. This was the result of a Council action on December 20, 2005 whereby Nino Corporation requested reimbursement of their project costs associated with the reconfiguring of lanes on Outer Lisbon Street and that the costs be paid immediately or when there are available funds in the impact fee account. The Council voted to reimburse the Nino Corporation \$16,686.04 immediately, which represented the amount of cost for the work from the South Lisbon Road to the Turnpike overpass, and to split equally (50/50) the balance of the rest of the work, which was \$43,573.66, which would be \$21,786.83, to be paid when traffic impact fees are received from future projects.

However, the Council revisited the matter on January 17, 2006 with a different outcome. They decided to reimburse Nino Corporation for any costs above and beyond what their impact fee amount would be, that the City pays Nino Corporation with any impact fee revenues that are collected in the future, and if payment is not made by January 2007, then this item is to be reviewed by the Council in January 2007. Applying the 50% credit, this resulted \$28,489.07 to be reimbursed to Nino. At this time, the remaining amount to be reimbursed is \$4,189.07. It's worth noting, Council never reviewed this topic again as included in their motion.

Ineffectiveness of impact fee

Connor Realty, LLC is requesting this ordinance be repealed claiming it is unfair and unnecessary. Impact fees are an effective method of insuring that new development bears a proportionate share of the cost of capital investments necessary to accommodate such development. The goal and purpose of this impact fee was to starting collecting funds to upgrade and expand road infrastructure along Outer Lisbon Street as a result of expected development in the area, maintain adequate levels of service along Outer Lisbon Street, and accommodate future traffic increases safely and without decreasing current levels of service. This impact fee was adopted based upon the determination that development along Outer Lisbon Street would require its road capacity be expanded by widening it to five-lanes.

Unfortunately, this impact fee has proven to be ineffective for a number of reasons:

1. Only projects requiring a TMP (100+ new trips) pay the fee. For this ordinance to be truly equitable, all new development generating any increase in traffic should be contributing toward the cost of improvements need to upgrade Lisbon Street.
2. In 2005 there was concern reducing the street to a three-lane configuration versus the existing four would reduce future capacity. The current three-lane configuration can accommodate 22,000 vehicle trips per day. In 2005, there were 13,580 trips at the Lewiston/Lisbon town line. In 2019 there were 11,640 trips. The three-lane configuration has more than adequate capacity to experience commercial growth without the need in the foreseeable future to widen the travel way to five-lanes.
3. State statute requires a schedule must be adopted whereby unused impact fee funds are returned to the developer. Lewiston's ordinance requires that any funds not expended or obligated 15-years from the date the fee was paid shall be returned to the developer. If the Council had not promised to use impact fees collected to reimburse Nino Corporation and collects from Conner Realty, the City would have only \$36,150.20. Even with state and federal assistance, this amount is a far cry from the hundreds of thousands of dollars necessary to establish a five-lane road.

Recommend action

The request from Stoneybrook Land Use, Inc. on behalf of Connor Realty, LLC to repeal this ordinance claiming it is unfair and unnecessary is warranted. An amended impact fee ordinance could be drafted requiring all projects generating any new traffic to contribute to a fee. However, based upon the traffic data provided by Stoneybrook, the development pattern of Outer Lisbon Street over the last 15 years, and the existing capacity of the current three-lane section of Outer Lisbon Street, there is no need to have an impact fee. Staff recommends the ordinance be repealed.

If the ordinance is repealed, the Council may want to consider revisiting the action taken on January 17, 2006 deciding to reimburse Nino Corporation from any impact fee revenues that are collected. The remaining amount to be reimbursed is \$4,189.07. This item was supposed to be reviewed by the Council in January 2007.

Attached are the following for your review:

- Outer Lisbon Street Traffic Impact Fee ordinance.
- City Administrator memo to City Council dated September 9, 2005.
- The City Council minutes which reimbursement to Nino Corporation was discussed.



The Office of
City Administrator
James Bennett

27 Pine Street • Lewiston, Maine • 04240
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Email: jbennett@ci.lewiston.me.us



MEMORANDUM

TO: Honorable Mayor and City Council

FR: James A. Bennett, City Administrator JAB/Kmm

RE: Workshop Meeting of September 13, 2005

DT: September 9, 2005

Please note the starting time of 7:30 PM

The following introductory comments are provided for the workshop on Tuesday:

1. Discussion on Impact Fees: On Tuesday, staff plans to outline the specific proposal of how the impact fees would work for Lisbon Street. Following your feedback, staff will then work to develop the specific ordinance to reflect the general direction provided on Tuesday. The item would not appear on an agenda for action until the first meeting in October (October 4).

Staff is supporting the following concept for the impact fee: Essentially, any project that would not have needed to make any physical changes to Lisbon Street in order to get a building permit would not have to pay an impact fee. The 'effective' date of this review would have been with the road configured as it is now (as four lanes). Any project that would have had to make physical changes to the road in order to receive a permit (given that the road was still four lanes), would be subject to an impact fee. For example, a new project that could not have gotten permits to build a large warehousing, distribution center without changing the road would have to pay the impact fee, *even if*, with the three lanes configuration that would no longer be necessary.

The impact fee is recommended to be 5% of the total cost to make the physical improvements necessary to the road system, based on a five lane road. The amount is determined by assuming that 75% would be paid for by the federal government, 15% would be paid for by the state and 10% is the local match. Hence, both the projects impacting the road and the general public will have to make contributions to upgrade the road.

Further, the impact fee is only 5% of the total cost that the project would have otherwise had to have spent in order to get the project approved. To illustrate, the latest project that appeared before the Council would have to have spent between \$250,000 and \$500,000 in order to create the five lanes in front of his proposed business. Of course, he did not, because the Council authorized the conversion of the road from 4 lanes to 3. In this case, the Council's decision to

STREETS AND SIDEWALKS
ARTICLE VI. OUTER LISBON STREET TRAFFIC IMPACT FEE

Sec. 66-160. Purpose.

This article imposes an impact fee on land development requiring development review under Appendix A, Article XIII of the City of Lewiston's Zoning and Land Use Code. These fees will be used to upgrade roads and related facilities necessitated by new development that impacts traffic along Outer Lisbon Street, as defined herein. It also provides for the placement of impact fee revenues into a traffic impact fee trust fund established for that purpose and for the administration of the Outer Lisbon Street Traffic Impact Fee Ordinance, including the expenditure of funds derived from traffic impact fees and the refunds of unexpended funds.

(Ord. No. 05-17, 11-17-05)

Sec. 66-161. Legislative findings.

The Lewiston City Council finds, determines and declares as follows:

- (1) The city will need to upgrade and expand road infrastructure along Outer Lisbon Street as a result of expected development in the area. To maintain adequate levels of service along Outer Lisbon Street, the existing road system must be expanded to accommodate future traffic increases safely and without decreasing current levels of service. This must be done to promote and protect the public health, safety and welfare;
- (2) The State of Maine has authorized municipalities to adopt impact fees for various purposes, including the construction of off-site capital improvements such as roads and traffic control devices, pursuant to 30-A M.R.S.A. § 4354;
- (3) The imposition of impact fees is a preferred method of insuring that new development bears a proportionate share of the cost of capital investments necessary to accommodate such development. Appropriate locations for new development in Lewiston and the capital improvements necessary to accommodate such development are consistent with the city's comprehensive plan and capital improvements program;
- (4) New development generates additional traffic, necessitating the acquisition of rights-of-way, road construction and road improvements;
- (5) The impact fee has been derived from the city's determination that development along Outer Lisbon Street will require that road capacity is expanded by widening it to five lanes or through similar infrastructure upgrades. The city anticipates funding ten percent of the necessary road improvements, with remaining funding provided by state and federal sources. The city's effort to seek alternative sources of funding will reduce the amount of the impact fee sought under this article to five percent of the cost of impacts created by new development.

(Ord. No. 05-17, 11-17-05)

Sec. 66-162. Title, authority, and applicability.

- (a) *Title.* This article shall be known and may be cited as the "Outer Lisbon Street Traffic Impact Fee Ordinance."

STREETS AND SIDEWALKS

- (b) *Authority.* The Lewiston City Council has the authority to enact this ordinance pursuant to 30-A M.R.S.A. § 4354 and its statutory and constitutional home rule powers.
- (c) *Applicability.* This article shall apply to all development requiring a traffic movement permit issued on or after August 9, 2005 that would require an expansion of road capacity along Outer Lisbon Street based on the four-lane alignment that existed on August 9, 2005.

Sec. 66-163. Definitions.

As used in this article, the following terms shall have the meanings indicated:

"Capital improvement" includes transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any public infrastructure, including but not limited to:

- (1) Construction of new through lanes;
- (2) Construction of new turn lanes;
- (3) Construction of new bridges;
- (4) Construction of new drainage facilities in conjunction with new roadway construction;
- (5) Purchase and installation of traffic signalization (including new and upgraded signalization);
- (6) Construction of curbs, medians, and shoulders;
- (7) Relocating utilities to accommodate new roadway construction;
- (8) Construction of public utilities to accommodate new development;
- (9) Construction or implementation of interim measures to address increased transportation capacity needs or demands created by new development during the period prior to construction of permanent improvements.

Capital improvements do not include site-related improvements defined herein.

"Developer" is a person or entity commencing a land development activity which generates or attracts traffic on Outer Lisbon Street and which requires a traffic movement permit.

"Development" is any change in land use or any construction of buildings or structures or any change in the use of any structure along Outer Lisbon Street which requires a traffic movement permit.

"Expansion of road capacity" means all road and intersection capacity enhancements, including but not limited to: extensions, widening, intersection improvements, upgrading signalization, and expansion of bridges.

"Mandatory or required rights-of-way dedications and/or roadway improvements" means such non-compensated dedications and/or roadway improvements as required by a traffic movement permit.

"Outer Lisbon Street" includes all land serviced by Lisbon Street, from its intersection with Pleasant Street to the Lewiston/Lisbon town line;

STREETS AND SIDEWALKS

"Roads" means and includes arterial streets and transportation facilities associated with the arterial and state-aid highway network along Outer Lisbon Street and under the jurisdiction of the city or the State of Maine.

"Site related improvements" are capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Direct access improvements include but are not limited to the following:

- (1) Access roads leading to the development;
- (2) Driveways and roads within the development;
- (3) Acceleration and deceleration lanes, and right and left turn lanes leading to those roads and driveways; and
- (4) Traffic control measures for those roads and driveways.

"Traffic movement permit" is a permit obtained from the City of Lewiston or Maine Department of Transportation for any development that generates 100 or more passenger car equivalents at peak hour.

(Ord. No. 05-17, 11-17-05)

Sec. 66-164. Imposition of traffic impact fee.

- (a) Any developer who, on or after August 9, 2005, requires a traffic movement permit along Outer Lisbon Street is hereby required to pay a traffic impact fee in the manner and amount set forth in this article. Preliminary determinations regarding whether a proposed development will generate traffic along Outer Lisbon Street shall be made by the developer and provided to the city's department of planning and code enforcement and, if necessary, the city's traffic engineer at the developer's expense. Actual impacts shall be determined by a traffic study prepared by a traffic engineer at the developer's expense and approved by the city's consulting engineer, unless the developer agrees with the city's determination.
- (b) No traffic movement permit or building permit for any activity requiring payment of an impact fee pursuant to this article shall be issued unless and until the traffic impact fee hereby required has been paid.

(Ord. No. 05-17, 11-17-05)

Sec. 66-165. Computation of traffic impact fee.

- (a) Any development requiring a traffic movement permit, which, in the city's judgment, requires the creation of a fifth travel lane shall pay a traffic impact fee equal to five percent of the cost of upgrading Outer Lisbon Street's four-lane configuration existing as of August 9, 2005 to five lanes (four travel lanes and an center turning lane) sufficient to address impacts created by the development, based on a traffic engineering study and the size and nature of the development.
- (b) Planning and code enforcement staff shall apply the impact fee to the development and shall make a final determination as to the amount of the fee to be imposed, net of any applicable credits. Staff may request additional information from the developer if necessary to apply the fee. The developer may submit its own calculation of costs and any other information related to the impact of the development on Outer Lisbon Street. Staff shall

STREETS AND SIDEWALKS

consider information submitted by the developer, but is not required to accept information it deems to be inaccurate or unreliable.

Sec. 66-166. Payment of fee.

- (a) The developer shall pay the traffic impact fee required by this article to the department of planning and code enforcement prior to the issuance of a traffic movement permit or building permit.
- (b) All funds collected shall be properly identified as traffic impact fees and promptly transferred for deposit in the traffic impact fee trust fund to be used solely for the purposes specified in this article.

(Ord. No. 05-17, 11-17-05)

Sec. 66-167. Traffic impact fee trust fund established.

- (a) There is hereby established a traffic impact fee trust fund, to be used to accomplish the goals of this article, in accordance with section 66-168 of this article.

(Ord. No. 05-17, 11-17-05)

Sec. 66-168. Use of funds.

- (a) Funds collected from traffic impact fees shall be used for the purpose of capital improvements to, and the expansion of, transportation facilities associated with Outer Lisbon Street.
- (b) No funds shall be used for periodic or routine maintenance.
- (c) Funds shall be used exclusively for capital improvements within the traffic impact fee area.
- (d) In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which traffic impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in subsection (a) of this section.

(Ord. No. 05-17, 11-17-05)

Sec. 66-169. Refund of fees.

- (a) If a building permit is surrendered or expires without commencement of construction, the developer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance, except that the city shall retain three percent of the impact fee paid to offset a portion of the costs of collection. A request for a refund shall be made in writing to the department of planning and code enforcement not later than 15 days after the expiration of the permit.
- (b) Any funds not expended or obligated by contract by the end of the calendar quarter immediately following 15 years from the date the fee was paid shall, upon application of the developer, be returned to the developer, provided the developer submits an application for refund of the fee to the city planning and code enforcement department within 180 days of the end of the 15-year period.

STREETS AND SIDEWALKS

Sec. 66-170. Credits

- (a) A credit against the impact fee otherwise due may be given when a developer is required to make road improvements other than an expansion from a four-lane to five-lane configuration pursuant to a traffic movement permit. Credit shall be limited to road improvements associated with Outer Lisbon Street intersections, pursuant to the traffic movement permit. In no event shall credit be given for site related improvements, as defined in this article.
- (b) Credit shall be calculated in the following manner for the above referenced road improvements as required by the aforementioned traffic movement permit: 50 percent of the value of required road improvements as determined pursuant to section 66-165 may be applied as credit against the impact fee. In no event shall the credit exceed the amount of the otherwise applicable impact fee, or be applied against unrelated impact fee items.
- (c) The developer shall provide documentation indicating the cost of the improvements required for the project versus the impact fee. The city shall consider the documentation submitted by the developer but is not required to accept any documentation which it deems to be inaccurate or unreliable.
- (d) A credit under this section will be made up to the amount of the impact fee otherwise due, and will not result in any payment of funds to the developer in the event the credit due under this section exceeds the impact fee assessed.

(Ord. No. 05-17, 11-17-05; Ord. No. 06-03, 3-23-06)

Sec. 66-171. Severability.

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof. (Ord. No. 05-17, 11-17-05)

City Council Minutes Referencing Nino Corporation

8/9/05

PUBLIC HEARING AND PROPOSED ACTION FOR A PROPOSAL TO RECONFIGURE LISBON STREET/ROUTE 196 FROM FOUR LANES TO THREE LANES

Representatives of Nino Corporation, a local real estate developer, and their engineering consultants, made a presentation to the City Council regarding a commercial project they hope to develop at 1930 Lisbon Street (Route 196). The project will be a gas station, carwash, convenience store, coffee shop and sandwich shop. The traffic engineers hired by the company studied the area and recommended that, due to vehicle traffic safety, a turning lane be added in the area of this business. Currently there are four lanes of traffic on this part of Lisbon Street, two lanes east bound and two lanes west bound. The traffic engineers have submitted a request to City Council to reconfigure this portion of Lisbon Street from four lanes to three lanes (one east bound, one west bound and one center turning lane). The Planning Board voted to endorse this proposal. It was reported that an MDOT traffic movement permit is needed for this project and a turning lane would be a requirement for this, since there will be over 100 vehicles turning for this development during a peak hour. It was noted that within the next five to ten years that perhaps all of Lisbon Street would need to become five lanes due to traffic.

Mayor Guay then opened the public hearing. Michael Ouellette of 1498 Lisbon Street spoke against the proposed lane changes, stating that speeding is a problem in this area already and he is concerned with two lanes of traffic limited to one, with a turning lane, would create more problems. He said there is a need for more officers for enforcement in the area and suggested the City also focus on driver safety and driver education for local residents. Mr. Ouellette illustrated that everyone who drives in Lewiston has experienced having a large truck following them on Lisbon Street. He mentioned that now the driver can move over to the other lane and let the truck pass, but with only one lane, this will not work and will encourage more accidents. He feels the current road set-up is a safer path.

Allen Austin, Associate Pastor of the Vineyard Church at 9 Foss Road, spoke in favor of this change. Pastor Austin said he feels that it would be safer for their church members if there is a turning lane that is added, citing an accident that one of their members was in a few years ago while trying to cross two lanes of traffic to make a left hand turn.

Jonathan LaBonte, resident of the Bangor area, addressed the Council and urged the Council to vote against this, mentioning the proposed plan is not in line with various traffic reports and the City's Comprehensive Plan. He recommended the Council create an Urban Access Plan for the Route 196 corridor area due to increased development in this area.

Rick LaChappelle, Lewiston resident, commended the City Council and Planning Board for a recent change in attitude as a business friendly community. He noted if the City wants to develop this area, there needs to be three lanes for turning purposes.

Colleen Lahey, CEO of Liberty Mutual, stated there are numerous accidents in front of Liberty Mutual each year. She said there are over 400 employees who work in the building who exit onto Lisbon Street each day. Ms. Lahey said she contacted the State regarding a traffic light at this location and was told that a better solution to the problem would be for a five lane road - two east bound, two west bound and a turning lane. She asked the Council to consider conducting a traffic engineering study for a five lane road on this portion of Lisbon Street.

VOTE (259-2005)

Motion by Councilor Connors, second by Councilor O'Brien:

To direct staff to move forward with the creation of an Impact Fee Ordinance for this corridor for five lane construction, in which the City will escrow the funds for future construction, and to vote in favor of the project to reconfigure Lisbon Street/Route 196 from the Lisbon town line to Westminister Street from four (4) lanes to three (3) lanes, and to have the applicant, Nino Corporation, pay for the expense of re-stripping the road from the Lisbon/Lewiston line up to the Maine Turnpike bridge, to be used as credit against an impact fee. Passed - Vote 7-0

12/20/05

REQUEST FROM THE NINO CORPORATION REGARDING ISSUANCE OF REIMBURSEMENT FOR THEIR EXPENSES OF RECONFIGURING THE LANES ON OUTER LISBON STREET

The action before the City Council was to review the request from Nino Corporation regarding reimbursement of project costs associated with the reconfiguring of lanes on outer Lisbon Street and to determine if the City shall reimburse the costs and if so, to determine if the costs will be paid immediately or when there are available funds in the impact fee account.

The City Administrator reviewed the costs, noting the Public Works Department spent \$10,427 for re-stripping, which was absorbed by the City, and the developer paid for the grinding and engineering design. Mr. Bennett stated that about 30% of the road that was

changed was changed at the City's request and was above and beyond what was needed for the project - South Lisbon Road to the Turnpike Overpass.

Motion by Councilor Connors, seconded by Councilor O'Brien:

To reimburse the Nino Corporation \$16,686.04 immediately, which represents the amount of cost for the work from the South Lisbon Road to the Turnpike overpass, and to split equally (50/50) the balance of the rest of the work, which was \$43,573.66, which would be \$21,786.83, to be paid when traffic impact fees are received from future projects.

VOTE (381-2005)

Motion by Councilor Bernier, seconded by Councilor Mendros:

To postpone action on this item to the January 17, 2006 Council meeting.

Passed - Vote 5-2 (Councilors O'Brien and Connors opposed.)

1/17/06

REQUEST FROM THE NINO CORPORATION REGARDING ISSUANCE OF REIMBURSEMENT FOR THEIR EXPENSES OF RECONFIGURING THE LANES ON OUTER LISBON STREET

Resident Larry Gilbert spoke and stated he attended the public meeting held at the Ramada where representatives of Nino Corporation stated they would pay for all needed infrastructure upgrades needed for the project to be approved and completed. He urged the Council not to place the burden of this expense on the taxpayers when it will benefit a private, for profit business. Councilor Rousseau noted the money will be replaced through impact fees.

VOTE (26-2006)

Motion by Councilor Mendros, second by Councilor Paradis:

To reimburse Nino Corporation for any costs above and beyond what their impact fee amount would be, that the City pays Nino Corporation with any impact fee revenues that

are collected in the future, and if payment is not made by January 2007, then this item is to be reviewed by the Council in January 2007.

Passed - Vote 5-1 (Councilor Jean opposed and Councilor Samson abstained)

Update on Public Art Grant for Auburn City Council
 Darby Ray, May 7, 2020

Background

- In February of 2019, the LA Metro Chamber of Commerce and L/A Arts were awarded a \$75,000 Creative Communities = Economic Development Phase 2 Grant from the Maine Arts Commission, with funds to be expended over a three-year period to improve the image of Lewiston/Auburn and to spur economic development through public art installations in each city. A 1:1 match is required for the grant.
- Beckie Conrad, formerly of the Chamber, and Darby Ray of L/A Arts are co-chairing a ten-person Public Art Working Group that includes mayoral appointments, local art teachers, local businesspeople, and local artists and arts organization representatives. The Working Group is charged with overseeing grant implementation.

Progress

- To date, the Working Group has:
 - Established itself, with appointees as described above. Established Working Group expectations, protocols, and meeting calendar. (February-March 2019)
 - Conducted research to understand the public art landscape (definitions, categories, principles, public art plans, peer communities, examples, funding models, etc.). (March-August)
 - Planned and hosted two public art “lunch and learn” programs to educate community members, elected officials, and city staff about the potential of public art to build community and stimulate economic development. Guest presenters from both Maine and away (September-October 2019)
 - Developed a Public Art Plan providing guiding principles, definitions, and administrative structure for encouraging and overseeing public art projects going forward, and successfully ushered it through official affirmation by both City Councils. (September-December 2019)
 - Developed and distributed a Request for Proposals to Maine-based artists to submit proposals for the creation and installation of a public artwork in each city. (November-January 2020)
 - Established a committee and timeline for reviewing the 11 impressive applications received, and selecting an artist and artwork for each city. The selection committee comprises Working Group members as well as two high school students (one from LHS and one from EL) and a Public Works official from each city. (December-January 2020)
 - Reviewed applications and selected two finalists for each city. (February-March 2020)
 - Hosted finalist presentations, which City staff attended. (April 2020)
 - Selected an artist/artwork for recommended adoption by each City Council. (April 2020)
 - Established a Workgroup marketing committee, led by Beckie Conrad and including marketing staff from LA Arts and the Chamber, to oversee a coordinated PR effort aimed at involving the wider community in the art creation, installation, and celebration process. This committee will work in close consultation with relevant City staff. (May 2020)

Future Priorities

- Artist/Artwork confirmation by each City Council

- Site and installation preparation plans by each City
- Marketing roll-out, including press releases upon confirmation of each selected artwork, video of artists at work, etc.
- Fundraising for the grant's cash match of \$22,500
- Development of longer-term vision and strategic plan for public art in L/A

Public Art Plan for the City of Lewiston
Approved by unanimous vote of the City Council on 12/10/19

I. Purpose

In recognition of the value that public art can bring to the cultural, aesthetic, and economic vitality of the community, the Cities of Lewiston and Auburn successfully sought a grant from the Maine Arts Commission to support the development of a Public Art Plan as one piece of "Cultural Plan LA". A Public Art Working Group comprised of citizens of Lewiston and Auburn, including mayoral appointments, artists, educators, and business people, was established to develop this master plan in consultation with City staff from Lewiston and Auburn. The resulting plan outlines recommendations for a basic administrative structure for public art initiatives in L/A.

II. Mission and Guiding Principles

The mission of the Public Art Plan is to foster and oversee the commissioning and acquisition of permanent and temporary public art, act as a steward of the City's public art collection, and engage the public in the collection. Public art projects will be accomplished through the direct commissioning of artwork, acquisitions, community partnerships, gifts, and by encouraging public art in private development.

Guiding Principles

1. When the City, on its own or through a partnership, builds or makes a significant renovation or addition to a community facility or park, public art should, whenever possible, be part of the project.
2. Public art should grow out of the richness of the community and, in most cases, be commissioned. Artists should be invited to work in the community and with the community to ensure that the work has meaning and resonance.
3. Public art projects should be commissioned through a transparent, competitive process that values both artistic expertise and community input. The policies and procedures adopted by the City will result in the selection of highly qualified artists and will support them in creating their best work. It will follow professional standards in the field.
4. Public art should be of high artistic quality and integrity. The City, developers, and cultural institutions must pay careful attention to the design of new buildings and public spaces downtown and throughout the community, bringing in fresh design thinking as well as complementing the historic fabric of the community. New public art should be of the same design quality as other aspects of the City's built environment and should support the cultural fabric of the community.
5. Public art should be for everyone: the people who live and work in the City; the people who visit for entertainment, culture, shopping, and dining; and even the people who are

just passing through. All should have an opportunity to experience art in public places. Art should invite interaction, contemplation, and discussion.

III. Definitions

Public Art

Public art includes a variety of accessible, original cultural experiences and/or physical works of art located within a public place that enrich the City by contributing to its uniqueness and stimulating learning, reflection, and conversation. Public art may include permanent or temporary works. Public art should engage the site, its context, and audience. Public art may possess functional as well as aesthetic qualities.

Artwork

Artwork shall mean works in any style, expression, genre, and media created by an artist as defined herein that may be permanent, temporary, and/or functional. Artwork may be stand-alone and integrated into architecture, landscaping, or other site development if designed by an artist as defined herein. Excluded are gifts of state by foreign governments or by other political jurisdictions of the United States.

Public Place

- a) A public place is a publicly accessible landscape, structure, or infrastructure-- typically owned or under the jurisdiction of the City. Public places include, but are not limited to, public parks, plazas, streets and boulevards (right-of-way), bridges, stairways, buildings, and water features.
- b) Art within public places contributes to the unique identity of a location and can stimulate discussion and imagination.
- c) Privately owned places can also include public art insofar as the artwork is public facing and designed to engage the public.

Artist

An artist is an individual who creates original works of art and is typically recognized by professional peers and critics as a professional practitioner of the visual, craft, literary, musical, conceptual, or performing arts, as judged by the quality of that practitioner's body of work and experience. This recognition is demonstrated in the artist resume through credentials such as professional training, an exhibition record, past public art commissions, published work, previous performances, reviews, and recommendations.

IV. Administration

Public Art Committee (PAC)

To support the Cities of Auburn and Lewiston in managing inquiries about public art and the vetting, creation, installation, and maintenance of public artworks, a Public Art Committee (PAC) shall be established. The PAC shall ordinarily be comprised of ten members: 2 mayoral appointments--one from each City--and the following to be appointed in accordance with procedures established by the body or organization making the appointments: 2 public school appointments--one from each school district; 2

appointments from Arts and Culture LA; 2 appointments from L/A Arts; and 2 appointments from the LA Metro Chamber of Commerce. The PAC shall convene semi-annually or as needed to consider updates to the Public Art Plan as well as inquiries or requests related to public art. During the Maine Arts Commission implementation grant period (2019-2021), the Public Art Working Group (PAWG) shall function as the PAC.

The PAC shall provide expert advice to the Cities in the following areas:

- a) Public Art Plan policies and procedures
- b) Artist selection review panels and processes for art associated with municipal development projects on City-owned property
- c) Artwork review and approval recommendations for municipal development projects on City-owned property
- d) Artwork review and recommendations for murals on City-owned property
- e) Maintenance and conservation of artwork on City-owned property
- f) Review and recommendations on proposed deaccession of artwork on City-owned property
- g) The incorporation of public-facing, public-engaging artwork in private development, should advice on such artwork be in order

**Memorandum of Agreement
Between the
City of Lewiston
And
Garcelon Cemetery Association**

This agreement is for the maintenance of the Garcelon Cemetery located at 287 Ferry Road in Lewiston and is made between the City of Lewiston, Maine (“the City”), located at 27 Pine Street, Lewiston, Maine and the Garcelon Cemetery Association (“the Association”), located at 21 High Head Road, Harpswell, Maine. The purpose of this agreement is to define the financial and physical roles and responsibilities for the maintenance of this facility.

Whereas, Garcelon Cemetery was established on May 17, 1819 and has been cared for by the Association since 1905; and

Whereas, the City, from time to time, has assisted the Association with the maintenance; and

Whereas, the Cemetery consists of 3 lots, 0.59 acres, 0.47 acres, and 0.07 acres, one of which is owned by the City; and

Whereas, ownership of the other two lots is not clear to the parties to this agreement; and

Whereas, among the more than 470 persons buried here, there are at least 32 veterans buried on two of the three lots; and

Whereas, there are still committed and uncommitted vacant plots in the cemetery; and

Whereas, State Law requires that the City, in collaboration with the Association, keep in good condition the burial place of Revolutionary soldiers, and sailors and veterans of the Armed Forces of the United States; and

Whereas, State Law also allows the City to care for Ancient Burying Grounds established before 1880; and

Whereas, the Association membership is declining, financial contributions are now insufficient to maintain these three lots consistent with State Law, and the Association has requested that the City assume routine maintenance of all three lots comprising the Cemetery;

Now, Therefore, the parties have agreed to the following:

1. The City will assume all routine maintenance of the three parcels, to include spring leaf and debris cleanup, mowing, litter removal, tree trimming, and fall cleanup. This will begin in the spring of 2020 and may be done with City forces or by contractor at the City’s discretion.

2. The Association will, with its remaining funds, focus on one-time improvements such as repair of damaged grave markers and repair or removal of the wrought iron perimeter fence. The Association will coordinate all activities directly with the City's Department of Public Works.
3. Once the Association has expended all its funds and is no longer financially viable, the City will take perpetual responsibility for all maintenance of all three lots. The Association may choose to remain active as an advisor to Public Works on the status and issues involving the Cemetery.
4. The City will honor all documented burial plots sold by the Association prior to execution of this agreement. No new burial plots will be sold once this agreement is executed.

This agreement is made and entered into as of this the _____ day of _____, 2020.

Garcelon Cemetery Association

Witness:

By: _____

By: _____

Name: _____

Title: _____

City of Lewiston

Witness:

By: _____

By: _____

Name: _____

Title: _____

Know all Men by these Presents,

BK65 353

That I, John B. Gascelon, do hereby give, grant, bargain, sell and convey unto the City of Lewiston in the County of Androscoggin and State of Maine...

in consideration of the sum of Fifty Dollars and twenty-five cents paid by the City of Lewiston in the County of Androscoggin...

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said City of Lewiston and its heirs and assigns forever, a certain piece or parcel of land situated in Lewiston in said County of Androscoggin, bounded and described as follows: Beginning at the Northwesterly angle of the Pumping Ground, situated on the North-westerly side of the Ferry road, so-called; thence by a prolongation North, forty-four (44) degrees, fifty (50) minutes West of the North-westerly side...

To Have and to Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said City of Lewiston and its heirs and assigns to their use and behoof forever. And I do covenant with the said City of Lewiston and its heirs and assigns, that I have good right to sell and convey the same to the said City of Lewiston to hold as aforesaid; and that I and my heirs shall and will WARRANT AND DEFEND the same to the said City of Lewiston and its heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said John B. Gascelon and Matilda J. Gascelon wife of the said John B. Gascelon in testimony of her relinquishment of her right of dower in the above described premises, have hereunto set their hands and seals this Eighteenth day of September in the year of our Lord one thousand eight hundred and sixty-seventy-one.

Signed, Sealed and Delivered in presence of M. S. Ludden, Justice of the Peace, and John B. Gascelon, Matilda J. Gascelon.

Androscoggin, ss. September 27th 1871. Personally appeared John B. Gascelon above-named and acknowledged the above instrument to be his free act and deed. Before me,

Mendenhall S. Ludden, Justice of the Peace. Received Dec. 27 1871 at 10 o'clock, 18 M. A. M. and recorded from the original. Attest: J. Sprague, Register.

U. S. Revenue Stamp 50 cts.

VETERANS BURIED in the GARCELON CEMETERY

on

FERRY ROAD, LEWISTON, MAINE

Ames, Winslow (1762-1851)	Captain, Maine Militia
Bosse, Frank E. (1933-1997)	Corporal, U.S Army, Korea
Brainerd, Robert Henry (1936-2007)	U.S. Army
Carvill, Henry (1755-1823)	Revolutionary War Soldier
Carvill, Lewis (1833-1900)	1st Infantry Regiment , Civil War
Carvill, John (1842-1880)	Captain, 5 th Light Artillery Battery, Civil War
Coleman, Charles (1836-1862)	10 th Infantry Regiment, Civil War
Davis, Henry D. (1833-1865)	Civil War
Davis, William G. (1838-1862)	Private, 2 nd Maine Infantry, Civil War
Dingley, John Taber (1830-1892)	Private, Alabama State Artillery
Dyer, Elkanah (1759-1820)	Private, Colonel Mitchell's Regiment, American Revolution
Fuller, David (1777-1850)	Captain in Maine Militia
Garcelon, Charles Augustus (1842-1935)	2 nd Lieutenant, 16 th Maine Regiment, Captain, U.S, Army, Civil War
Garcelon, Charles Augustus Jr. (1874-1938)	U.S. Navy (Intelligence Service).
Garcelon, Gerald G. (1908-1977)	LCDR, U.S. Navy
Garcelon, Henry H. (1836-1896)	3 rd Maine Infantry, Civil War
Garcelon, Hosea (1810-1878)	Civil War Veteran
Garcelon, James (1739-1813)	Revolutionary War era Patriot
Garcelon, Joseph S. (1817-1897)	Captain, Civil War
Garcelon, Samuel D. (1793-1864)	Sergeant, W.R. Blaisdell's Regiment
Garcelon, William (1786-1852)	Colonel in Maine Militia
Garcelon, William Stetson (1927-1965)	U. S. Navy (Medical Service)
Gilpatrick, Nathaniel W. (1823-1862)	Cpl., 16 th Maine Regiment, Civil War
Ham, William R. (1829-1864)	Captain, 32 nd Maine Infantry, Civil War
Hodgkin, Jonathan (1794-1876)	Captain, Maine Militia`
Hodgkin, Thomas (1778-1855)	Maine Militia
O'Neil, Daniel James (1930-2011)	Private, U.S. Army
Osgood, Silas B (1825-1912)	Captain, 1 st Maine Infantry, Civil War
Powers, James R. (1917-1984)	174 th Infantry, U.S. Army
Powers, Jean S. (1917-2005)	
Snow, William G. (1846-1911)	Captain, U.S. Navy, Civil War
Wright, Jonathan (1810-1865)	Captain, Civil War

prepared by David C. Garcelon

CHRONOLOGY
&
HISTORY
of the
GARCELON CEMETERY



Copyright by David C. Garcelon, 2019

May 16, 1814 A large portion of the *Intervale Cemetery* which

was located on James Garcelon's farm was washed downriver by the flood waters of the Androscoggin River. Among those buried in the Cemetery were James Garcelon (1739-1813), Sally (Garcelon) Moody (1776-1811), and James Ames (1801-1803).

The Cemetery was located on the bank of the Androscoggin River just below the James Garcelon homestead.

May 17, 1819

Hannah (Ames) Garcelon (1771-1819) died. She was the wife of Mark Garcelon (1771-1830). On the same day the Garcelons deeded a 6 rod (99 feet) by 8 rod (132 feet) parcel to the Town of Lewiston for a burying ground and Hannah was buried on that parcel.

September 18, 1871

John Blethen Garcelon (1830-1904) deeded a parcel of land to the City of Lewiston as an addition to the “*old burying ground.*”

The parcel was a rectangle which was 6 rod 8 links (104.28 feet) wide by 12 rods 21 links (225.06 feet long).

Garcelon reserved to himself a “*piece of the above described land twenty eight feet wide, across the old burying ground, and six (6) rods and eight (8) links in length, which shall be reserved to the said grantor for a burying ground, and for nothing else and for no other purpose.*”

It is noteworthy that Garcelon did not add “to my heirs and assigns.” The reason is quite clear.

Garcelon wanted his burial plot to be on the portion of land he had deeded to the City of Lewiston. At the present time (May, 2019) there are at least eight persons buried on this plot and is considered as a plot within the City of Lewiston's "ownership."

Garcelon's conveyance to the City of Lewiston's abutted the northwesterly boundary of the existing Cemetery which was 225.06 feet wide by 111 feet more or less wide. When added to the existing burying ground it resulted in a plot of ground which is 225.06 feet by 215 feet (more or less) rectangle; its frontage along Ferry Road was 225.06 feet.

May 11, 1876
rod

John B. Garcelon deeded a 25 acre and 65 sq. parcel to Clara B. Skinner. It was the third parcel in Androscoggin County Registry of Deeds Volume 84, Pages 80 though 83 (four pages). The parcel had 93 rods (1534.5 feet) of frontage along Ferry Road. Its boundaries abutted the burying ground on the burying ground's northwest and south west sides.

June 9, 1905

The Garcelon Cemetery Association was formed under the laws of the State of Maine, and its formation was for the express purpose of caring for the cemetery. At the time of the Association's organization it did not, and has not, since the days of its formation, ever claimed any ownership of the land occupied by the burial plots. It is listed as a Maine non-profit

organization (T13, C81) with a charter number of 19050003N.

The Association has always assumed the City of Lewiston owned the Cemetery. This assumption is verified by the fact that thirty four years earlier (1871) John Blethen Garcelon had deeded the final plot of land which resulted in the present boundaries of the Cemetery.

The cemetery had its genesis in 1819. After 86 years it became obvious that the City was not caring for the Cemetery, and that was the sole purpose of the Association's formation. For the past 114 years the Association has cared for the Cemetery but has never made any legal claim to the ownership of it.

April 17, 1912

Abram W. Garcelon conveyed to the Garcelon Cemetery Association *“the right to take and use water from a certain spring situated on land now owned by this Grantor, also the right and privilege to enter upon the land now owned by this Grantor, for the purpose of laying and keeping in repair all necessary pipe to convey said water from said spring to the said Garcelon Cemetery.”*

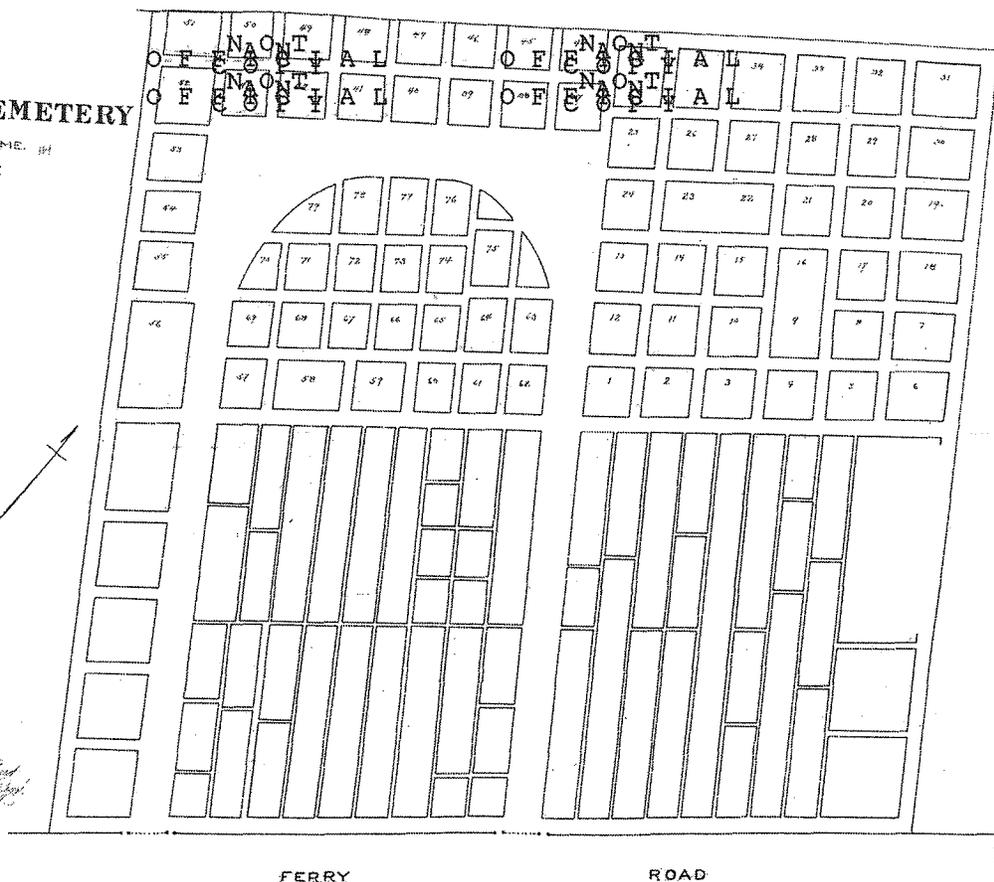
This deed is the only conveyance of any sort to the Garcelon Cemetery Association. Parts of the water line still exist although it has not been used for more than thirty years.

June 9, 1920

A “Garcelon Cemetery” plan was recorded in the Androscoggin County Registry of Deeds.

GARCELON CEMETERY

LEWISTON ME. 04240
Scale 1"=10'



*Revised from 1871
to 1911 by W. H. S. J.
and revised from the original
Catholic National Cemetery
1911*

Jan, 11, 1947

Eloise Jordan (1907-1989) wrote an article in the *Lewiston Journal Magazine Section* entitled "Garcelon Cemetery on River Road Tells Early History of Lewiston."

March 15, 1957

Letter from Lewiston City Clerk to Bertha Ham regarding "who administers the affairs of the this Cemetery."

March 28, 1957

Letter from Lewiston City Clerk to Bertha Ham "to establish the City's responsibility, if any."

May 24, 1971
(Monday)

The *Lewiston Journal*, in an article entitled "Cemetery off Randall Rd. to Belong to City,"

the ninth paragraph of the article reads, in part:
 “The City owns still another cemetery in
 Lewiston. Berube says a deed to the Garcelon
 Cemetery on the Ferry Road was turned over to
 the city in 1971.” (“Berube” was City Clerk
 Gerard Berube).

<p>Monday, May 24, 1971</p> <p>schoolgrounds and fill public window boxes.</p> <p>The Garden Club will assemble at the home of Mrs. Donald Chandler, Lower Gloucester, for a meeting and refreshments. Co-hostesses will be Mrs. Edward McMahon and Mrs. John Hendrickson.</p>	<p>an acre, has been hidden in the woods for years.</p> <p>Up until a few weeks ago, hardly anyone knew of the cemetery's existence. Complaints were made to Mayor Robert W. Clifford by area residents, who said the cemetery was neglected — it had not been maintained for several years.</p>	<p>GRAY</p> <p>GRAY — The town council meeting Thursday evening, accepted the resignation of Barry Mains who wished to have more time for personal affairs. The contract of the town manager, Norman Dolloff, has been renewed for the coming year at the same salary. The manager met during the past week with the Parks and Recreation Committee to decide action to take during the coming season.</p>
<p>CEMETERY OFF RANDALL RD. TO BELONG TO CITY</p> <p>Davis or Scribner Cemetery, located off Randall Road, will be taken over by the City of Lewiston as soon as the land title can be made official by Corporation Counsel John Orestis.</p>	<p>According to City Clerk Gerald Berube, there is no known record or ownership — no mention of the cemetery in any city records.</p> <p>The names Davis and Scribner have been given it by some area residents, but the appellations are unofficial, it is said.</p> <p>The cemetery, once accepted by the city, will be the third. The city owns and maintains Davis Cemetery on Sabattus Street, the oldest burial place in Lewiston, and Herrick Cemetery on our Main Street.</p>	<p>Contract for surveying the sewage conditions in Gray was given to the E. C. Jordan Company of Portland. Responsibility for having voting booths erected and dismantled was given the town manager. Absentee ballots will be made available for local elections as well as for federal elections, it was voted. Discussion was held on the proposed sidewalk from Gray village to Gray Plaza, and the state authorities will be contacted on the proposition. Next meeting will be on June 3.</p>
<p>The cemetery, covering about</p> <div style="border: 2px solid black; padding: 5px;"> <p align="center">NOTICE</p> <p align="center">Head Start Program</p> <p align="center">Is Now Registering children for September classes.</p> <p align="center">For information or Registration Forms,</p> <p align="center">CALL:</p> <p align="center">HEAD START PROGRAM</p> <p align="center">City Hall, Augusta, Maine</p> <p align="center">TEL: 623-3859</p> </div>	<p>Although civic and student groups from time to time have volunteered to clean up these cemeteries, major maintenance has fallen in the lap of the city.</p> <p>Currently, a total of \$1,000 is appropriated for cemetery maintenance. The funds are in an obscure Welfare Department account.</p> <p>The city owns still another cemetery in Lewiston. Berube says a deed to the Garcelon Cemetery on the Ferry Road was turned over to the city in 1971. An active board of</p>	<p>Grayhurst Temple, PS, met on Wednesday evening when plans were made for a gallivant on June 8. Mrs. Marion Douglass is committee for the next meeting on June 2.</p> <p>Twenty-nine persons attended the meeting of Senior Citizens trustees takes care of maintenance of the small and attractive burial grounds however, it was noted.</p>

On the same day, another article in the *Lewiston Journal*, entitled “Praises Work of Garcelon Trustees in Cemetery Care,” it reads in part:
 “Berube explained today that the city acquired

title to the cemetery via two transactions many years back. The first occurred while Lewiston was still a part of Lincoln County. This would put it sometime prior to 1850, according to City Building sources. The second part of the transaction occurred in 1871. Berube said, despite this, the Board of Trustees continues to take care of the cemetery, Berube said. The city has nothing to do with the maintenance.”



In another *Lewiston Journal* article, entitled “Lewiston and Auburn”, the third paragraph reads: “Members of the Board of Trustees of the Garcelon Cemetery received praise from City

officials Monday for their continuing efforts to keep up the old cemetery off the Ferry Road, Lewiston. The City has nothing to do with maintenance, although it has owned the cemetery since before 1850.”

2 The Lewiston

Lewiston and Auburn

The temperature at 1:30 a.m. Tuesday was 53 degrees. Rain had started falling.

Auburn firemen were called to Lake Shore Drive at 5:14 p.m. Monday to wash away gasoline after the fuel tank reportedly dropped from a vehicle. Deputy Chief Ralph S. Adams of the Auburn Fire Department said the report on the incident had not been completed immediately as firemen also were engaged at the time with the Mt. Apatit forest and brush fire. The crew of Engine Five went to the Lake Shore Drive scene.

Members of the board of trustees of the Garcelon Cemetery received praise from city officials Monday for their continuing efforts to keep up the old cemetery located off the Ferry Road, Lewiston. The city has nothing to do with maintenance, although it has owned the cemetery since before 1850.

The City of Auburn awarded a contract Monday to the Gulf Oil Co. to furnish the city with a year's supply of gasoline for its vehicles. Gulf's bid was 12.92 cents a gallon on regular grade fuel and 15.42 cents a gallon on premium. Gulf was awarded the contract last year.

Sept. 14, 1999

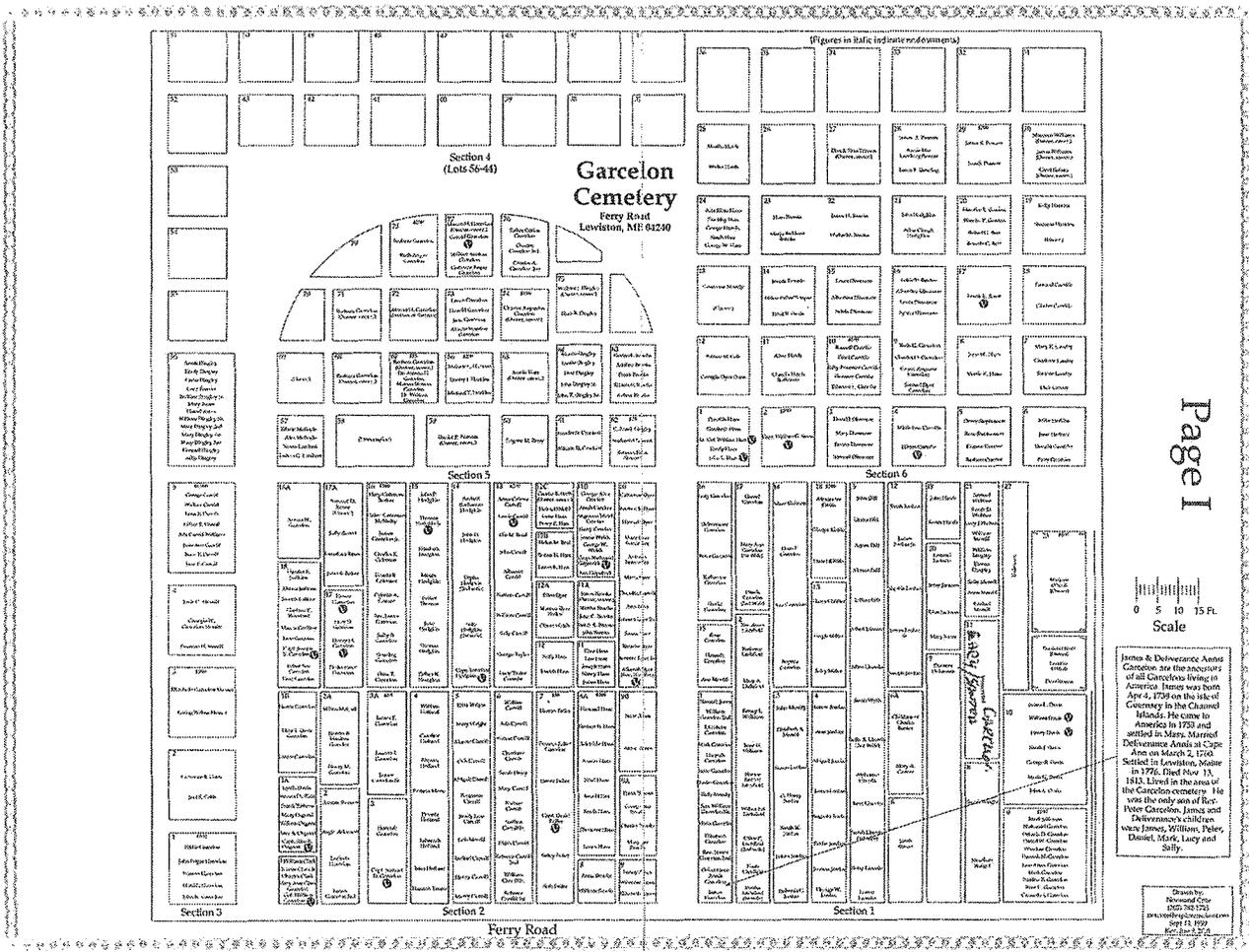
Normand Cote drew a plan of the Garcelon Cemetery. It outlined all of the burial plots with the names of those buried in the plots, and he also prepared an index of those persons buried in the plots.

Aug. 11, 2000

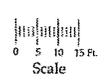
Maine LD 873, An Act to Clarify Municipal Responsibility for the Maintenance of Veteran's Gravesites, took effect.

June 9, 2003

Normand Cote revised his plan and index of the Garcelon Cemetery.



Page I



James & Dolores Annis Garcelon see the necessary of all Garcelons living in America James was born Apr 4, 1738 on the Isle of Gouveney in the Channel Islands. He came to America in 1752 and settled in Mrs. Margaret Dolores Annis at Cape Ann on March 2, 1764 Settled in Lewiston, Maine in 1776. Died Nov 13, 1812. Lived in the area of the Garcelon Cemetery. He was the only son of Rufus Garcelon, James and Dolores's children were James, William, Peter, Daniel, Elizabeth, Lucy and Sally.

Drawn by Normand Cote
0205 748 1720
July 11, 1999

Nov. 12, 2007

Normand Cote revised his plan and index of the Garcelon Cemetery. This revised plan showed, by symbol, nineteen military veterans buried in the Cemetery. It should be noted that as of May, 2019, 32 military veterans have been verified as buried in the Cemetery.

There are many deeds which refer to the Garcelon Cemetery as being owned by the Town or City of Lewiston. Most of those deeds refer to the City as an abuttor.

Some of the deeds in the Androscoggin County and Lincoln County Registry of Deeds which refer to the abutting or underlying land are as follows:

Vol. 1 Pgs. 25 and 26	March 1, 1854
Vo, 1 Pgs. 23 and 24	April 12, 1854
Vol. 10 Pg. 584	Oct. 7, 1835 **
Vol. 11 Pg. 23	April 12, 1853 *
Vol. 11 Pg 484	Dec. 22, 1853 **
Vol. 11 Pg. 486	Jan. 1, 1857
Vol. 42 Pg. 423	Jan. 6, 1866
Vol. 42 Pg. 459	Jan. 22, 1866 **
Vol. 42 Pg 460	Jan. 30, 1866
Vol. 11 Pgs. 484 – 486	December 3, 1853
Vol. 11 Pgs. 486 and 487	Jan 1, 1857
Vol. 54 Pg. 56	April 8, 1865 **
Vol. 59 Pg, 8 and 9	Dec 16, 1805 **
Vol. 59 Pgs. 9 and 10	Dec. 16, 1805 **
Vol. 65 Pg. 353	September 18, 1871 **
Vol. 70 Pg. 129	October 20, 1808 **
Vol. 82 Pg. 274	Jan. 29, 1876 *
Vol. 84 Pgs. 80 – 83	May 11, 1876 **
Vol. 89 Pg. 287	July 21, 1877 *
Vol. 89 Pg. 581	Dec. 11, 1877 *
Vol. 99 Pg. 203	Jan. 30, 1880 *
Vol. 103 Pg. 426	May 10. 1881 *
Vol. 123 Pg. 413	Aug. 31, 1886

Vol. 161 Pg. 132	April 2, 1895
Vol. 192 Pg 21	June 24, 1901 *
Vol. 229 Pg. 296	Sept. 18, 1909 *
Vol. 339 Pg. 235	Dec. 14, 1923 *
Vol. 467 Pg. 472	Dec. 29, 1936 *
Vol. 754 Pg. 17	Dec. 12, 1956 *
Vol. 991 Pg. 622	July 25, 1958 *
Vol. 996 Pg. 413	Nov. 8, 1968 *
Plan Book 24-47	Sept. 10, 1973 *
Vol. 1350 Pg. 83	June 30, 1978 *
Plan Book 30-152	Nov. 8, 1983

* Abuts Cemetery

** Underlays present Cemetery

It should be noted that Lewiston was part of Lincoln County until 1854, when it became part of Androscoggin County.

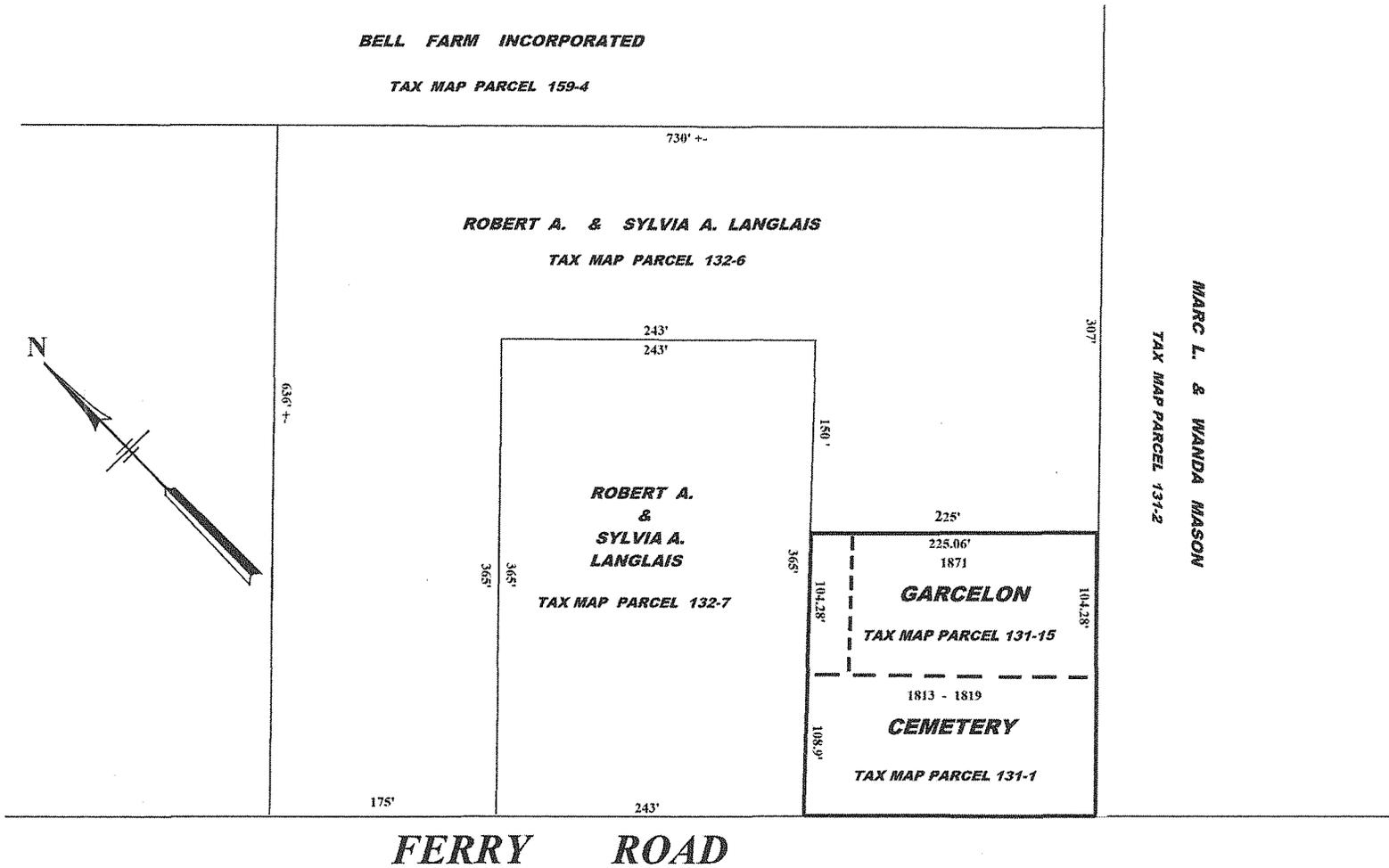
The Town of Lewiston was incorporated in 1795; it became the City of Lewiston in 1863.

The conclusion drawn from all of these deeds is that the Garcelon Cemetery is a plot of ground which is a 225.06 foot by 215 foot (more or less) rectangle; its frontage along Ferry Road is 225.06 feet. It is 1.2 acres in size, and currently has more than 450 persons buried in it, as well as several family burial plots which are currently empty. It also has several uncommitted burial plots.

The Cemetery is owned by the City of Lewiston.

BELL FARM INCORPORATED

TAX MAP PARCEL 159-4



MARC L. & WANDA MASON
TAX MAP PARCEL 131-2

**SKETCH OF THE GARCELON CEMETERY
and
ABUTTING PROPERTIES**

**COTTON
ROAD**

Plan Drawn By
David C. Garcelon
21 High Head Road
Harpwell, Me 04079

#4



City of Lewiston, Maine

Department of City Clerk

Kathleen M. Montejo, MMC
City Clerk & Registrar of Voters

Kelly J. Brooks, CMC
Deputy City Clerk



TO: Lewiston Mayor and City Council
FR: Kathy Montejo, City Clerk
DT: May 12, 2020
RE: State and City Election on July 14

Due to the COVID-19 pandemic, Governor Mills changed the date of the state election from Tuesday, June 9 to Tuesday, July 14. At this point, the election will be administered as a traditional election – voting will be available in person at polling places as well as in advance via absentee ballots. The candidate races and ballot questions for this election are the Democratic and Republican primaries for US Senate, US House, state and county offices, as well as two state referendums and the city school budget validation.

Preparing for and administering an election during a public health crisis has created many interesting challenges. In order to contain and manage these changes, I am requesting the City Council consider consolidating the polling places into one central location at the Longley School.

There are a few reasons for the recommendation to consolidate the polls:

- 1) Concerns with hiring enough available workers to adequately staff the polls – Many of the workers are older and fall within the “at risk” category. As such, many might not be able to serve as election workers due to concerns for their own health and safety. In addition, since many summer camps and summer programs for children are closed due to the pandemic, regular workers might not be available to work a (rare) summertime election since they may be helping with childcare for grandchildren. For a regular election, Lewiston operates 7 polling places and hires about 150 citizens to work at the polls.
- 2) Controls for social distancing spacing – Implementing and enforcing the mandatory social distancing precautions for the check in tables, voting booths, workers in line, etc will be challenging and may require on-the-spot adjustments to adapt. Having one location to manage would be easier logistically.
- 3) Procurement of supplies – All election workers will need to be equipped with proper Personal Protective Equipment (PPE). The Secretary of State’s Office is working to obtain PPE supplies for election workers but this may not be feasible given the statewide volume. We are working on the inventory the city has for these items. In addition, cleaning supplies such as Clorox wipes, etc will be needed and used on a regular basis. The CDC has guidelines about wiping down voting booths regularly, allowing pens to only be used one time then cleaned, etc. All of this will add another dimension to ensure both safety for workers and voters. Having this contained to one location would make it easier to manage.
- 4) Unknown turnout/anticipated low in person turnout – There are many statewide community groups as well as the state and municipalities that are strongly urging voters to consider voting

at home via absentee ballot. Many large-scale advertising and outreach efforts are currently gearing up to encourage voters to consider voting by absentee to protect their own health and the health of the election workers and thus the community as a whole. Strong absentee voter turnout has been observed in other states and it is projected that Maine will also see this interest. While it is difficult to predict the in-person voter turnout on July 14, we do believe it will be low.

- 5) Absentee ballots available at City Hall on election day – Governor Mills has lifted the state requirement of the deadline to request absentee ballots. As such, absentee ballots can be obtained for the July election at City Hall right up until 8pm on election day. As such, in-person voting, via absentee ballot, will be available on election day at City Hall. Usually the deadline to request an absentee ballot is the Thursday before the Tuesday election. For July, voters will have several additional days to obtain an absentee ballot thus providing more opportunity to vote in advance and minimizing their need to go to the polls on election day.
- 6) Longley is the regular polling place for 3 out of 7 wards – Longley is the regular voting place for about 42% of citywide voters and is the usual location for any special or unscheduled elections such as a Mayoral Run-Off election. It is a well-known location.

For the March 3 Presidential Primary election, the City consolidated all voting to Longley School. Due to the state hockey championship game being played at The Colisee across the street, there were issues with traffic congestion and parking during the afternoon and evening. Please see the related Report to the City Council dated March 5 which addresses some of these concerns. We have tried to contact The Colisee recently but have been unable to reach anyone most likely due to the sale of the facility and the associated transition of ownership. Given the situation, however, and the number of event cancellations we have seen, we do not anticipate a similar conflict this July.

Should the Council be supportive of the recommendation to consolidate, the following steps are needed to proceed:

- 1) Order from Governor - We are anticipating the Governor will amend the Executive Order to waive the 90-day requirement in state law to allow municipalities that are interested in consolidating to pursue this option. According to the Secretary of State's Office, there are only 12 municipalities with multiple polling places, so this change would only be applicable to a handful of communities. I have spoken with the municipal clerks in most of these 12 communities and they are interested in consolidating for the above stated reasons.
- 2) Public Hearing – The Council would need to hold a public hearing to consolidate the polls. A legal ad would be placed before the hearing.
- 3) Order from City Council – The Council would need to approve an Order to consolidate for the July 14 election.
- 4) Approval from Secretary of State – The Secretary of State would need to approve Lewiston's request to consolidate for the state election. Representatives have already indicated they are supportive of this effort and would approve it if submitted.

I am happy to answer any questions the Council may have regarding this request. Thank you.

Report to City Council regarding the March 3, 2020 Presidential Primary & Special State Referendum Election

Several questions have arisen based upon the recent election. Below is information from the City Clerk regarding these issues:

VOTER TURNOUT:

6065 in person voters at the polls
+1080 absentee ballot cast
7145 total voters in election

27,157 registered voters 26% total voter turnout 22% voter turnout at polls

ONE POLLING PLACE:

The City Clerk is the election administrator for the City and as such, made the decision to hold the election in one location instead of the usual four places. There were several reasons for this:

- This election was a restatement of Maine's Presidential Primary and is the first time in 20 years that it has been held again. The new law that reestablished this type of election requires the political parties to notify the Secretary of State by November 1, 2019 if they wanted to have a primary election for administered for their political party.
- As such, municipalities were notified in October that the election would be held on March 3. This allowed a five month advanced notice for the election.
- Concerns with building availability on short notice: The City uses Montello, Green Ladle, Armory and Longley for regular polling places. There were concerns that these buildings were not all available for use on short notice. For student safety purposes, Montello does not have students attending school on days of an election. The school calendar is set in January the year before a school year, so their days for teacher workshops, parent teacher conferences, etc were set. The Armory and Green Ladle are buildings that can be rented out by private groups for meetings and activities and these buildings might not have been available.
- Concerns with availability of citizen election workers: The city hires and trains about 140 citizens to work at the polls - 14 to serve as the polling place supervisors (one supervisor and one assistant supervisory for each ward) and about 130 election clerks to operate the polling places for the seven wards. Many workers have been doing this for years and are extremely dedicated. They have their calendars marked off for every November and are committed to working. Most workers are retired residents. Since a wintertime election is unusual (first time in 20 years), not all election clerks were going to be available for March. Many winter down south, many babysit grandchildren during the day, many have other commitments. When it was in the news media that this special election was going to be held, several regular election workers and polling place supervisors called the City Clerk to state they cannot work a March election due to other commitments. This created a concern about inability to adequately staff all seven voting locations.

- The turnout for the two previous Presidential Primaries was as follows:
 - March 1996 – 1,929 total voters (incumbent on the ballot) 7% voter turnout
 - March 2000 – 3,503 total voters (no incumbent on the ballot) 8 % voter turnout
- For Mayoral Run-Off elections in December, Longley is the citywide voting place. The turnout for the two previous Mayoral Run-Off elections were:
 - December 2017 – 7,186 citywide 27% voter turnout
 - December 2015 – 8,229 citywide 32% voter turnout
- The Secretary of State’s Office projected a 15% voter turnout for the March 3 election
- Longley School is the usual voting place for 3 out of 7 wards so about 42% of the community votes there on a regular basis
- Absentee ballot ratio – on average, the number of absentee ballots requested for an election represents 25-30% of the voter participation for an election. Given that this election is during the winter time, it was estimated that the number of absentee ballot requests would represent closer to a 30-35% turnout for two reasons: 1) many voters are away for the winter and staying down south and 2) elderly voters may not want to go to the polls if it is icy or snowing, so would like the convenience of voting a home via an absentee ballot.
- The State provided Lewiston with 5000 absentee ballots for this election, but only 1168 were requested and issued. Based upon this number and past election participation, the in-person voter turnout projected for this election was around 2336 (one third of the number of absentee ballots issued).

Based upon the above items, the City Clerk made the decision hold the March 3 at one citywide polling location and to administer the election in the same manner as a Mayoral Run-Off election – similar staffing, check-in table breakdown, etc.

WHY LONGLEY?

- The Longley School building is the site of the former Multi-Purpose Center which served as the City’s Community Center for many years. It is a well-known building location with a parking area and large gymnasium.
- The building has been a polling place continuously in Lewiston for over 30 years.
- Three wards (Wards 4, 5 and 7) vote at this location in every regular election, so 42% of the voters already vote here for every election.
- The building is owned by the municipality and is not privately owned, so we have better access to the building.
- The School Budget Referendum Election is held at Longley every May and has been for the past 10 years.
- The Lewiston Armory is other city owned option and does have a large gymnasium but limited parking.
- For student safety purposes, the School Department prefers that we not use other school buildings for voting.
- The City does not own any other large buildings.

- PARKING CONGESTION:
- On Friday afternoon, Feb. 28, the City Clerk was informed of the two high school hockey state semi-final playoff games that were going to be held at The Colisee on Tuesday night, one at 6pm and another at 8pm. The Colisee would be closing their parking lot around 4:30pm and charging \$5 for people to park. As such, it was presumed that people attending the game would want to park in the Longley lot for free rather than pay to park in The Colisee lot. There were immediate concerns of not having enough parking for voters.
- Once notified about the hockey games, on Friday afternoon, the City implemented the following:
 - City Administration authorized funds to be spent as needed to address this issue
 - Public Works was scheduled to put out a larger amount of signs than usual, signs stating Voter Parking Only for portions of Birch Street and the entire Longley lot
 - The Chief of Police was consulted and asked for recommendations on parking enforcement. Two police officers were hired to be in the Longley lot from 3:30pm – 8pm to ensure that only voters were parking in the lot
 - The City notified the High School to ask them to inform school families and hockey fans to not park in the Longley lot; they were also going to inform Edward Little.
 - The Sun Journal was notified and asked to print information in any articles about the games that parking is not permitted in the Longley lot
 - The Secretary of State's Office, local chair of the Democratic Party and local chair of the Republican Party were notified about the games, concerns with parking and the city's plan (listed above) to address the issue. They were also asked to make any other suggestions regarding the situation and the city would implement it.
- Municipalities must notify the State 60 days before an election of the location of the polling places for each election, so it was too late to change locations.
- After absentee ballot deadline – the state deadline to vote by absentee ballot is always the Thursday before a Tuesday election. Unfortunately, the deadline to vote by absentee ballot was the day before the City was notified about the hockey games. Had the City known earlier, voters could have been informed of the potential parking issue and encouraged to consider voting by absentee ballot. The City could have offered additional evening or weekend hours to accommodate absentee voting if the conflict was known in advance.
- For every major election, the City offers evening voting hours. For this election, we were open from 4pm -7pm on Wednesday, Feb. 26. This was advertised in the newspaper, website, social media, etc. Nine people came to the office to absentee vote. It appears that unfortunately, like the City, voters may not have been aware of the potential parking concerns from the hockey games in advance of the weekend or could have decided to vote early if they had known.
- Even if the City did not consolidate the polls into one polling place, the impact of the hockey game traffic would have been difficult for the voters who regularly vote at Longley. Wards 4, 5 and 7 vote at Longley as their regular voting location. That represents 42% of all voters. There were 6,065 in person voters on March 3; that translates to approximately 2,550 voters who would have been going to Longley anyway as their regular polling place. The busiest time of an election day is between 4pm – 7pm when voters are on their way home from work. This was the peak time for hockey game traffic and why the City hired the police officers to monitor to Longley lot from 3:30pm – 8pm. Even if the polls were not combined, the hockey game traffic

would have been very difficult for the voters who usually vote at Longley. The City does not have the authority to change the state election date or the hockey play off dates, so this would have been an impact.

PRIMARY ELECTION REGULATIONS:

Primary elections are different from a general election and many voters do seem to forget the distinction. The State Primary is held every other June and we describe the differences in elections to voters at these elections. The March election was no different. State law does not allow voters to change political parties on Election Day. State law also requires voters to enroll in a political party in order to vote on that party's ballot. Many voters were extremely upset regarding these regulations and felt it was taking away their rights as a voter. We explained many times that it is state law and not a Lewiston requirement. This complaint was not unique to Lewiston, as voters across the entire state voiced the same complaint.

Maine is one of the states that allows same day voter registration and same day party enrollment. On Tuesday, the election workers processed approximately 900 voters who needed to register to vote for the first time or enroll in a political party. That is almost 1 out of every 6 voters at the polls that needed to register to vote or enroll before they could vote. This is a much higher rate than during other elections. As such, lines were long and voters were frustrated. Even though these services are provided year round at the City Clerk's Office, it tends to be human nature to wait and do it at the polls since these services are available on Election Day as well. Again, not a unique situation for Lewiston but a statewide occurrence.

WORDING OF QUESTION 1:

Many voters were very confused and upset about the wording of Question One on the state ballot. As such, we had numerous spoiled ballots and had to issue replacement ballots to voters.

AMOUNT OF CANDIDATES ON DEMOCRATIC BALLOT:

With the 12 candidates on the Democratic ballot, many voters assumed they were allowed to rank their choices and voted for 2-3 candidates instead of 1 candidate. Voters said they knew that Maine has ranked choice voting, so when they saw the amount of candidates on the ballot, they assumed they could vote for several. If a voter marks their ballot for more choices than is allowed, the voting machine is programmed to reject their ballot and return it to the voter. This created quite a bit of confusion and frustration for voters.

Voters were also upset that we could not inform them of which candidates had dropped out of the race. The Secretary of State's Office informed all municipal clerks last week before the election that we could not post a notice or tell voters which presidential candidates dropped out of the race because technically all they did was suspend and stop their campaign, but they did not officially withdraw as a candidate on the ballot. All states have procedures for candidates to officially withdraw as a candidate and it requires

the submission of a written statement. No presidential candidates submitted statements to the Maine Secretary of State's Office withdrawing from the race.

NO DECLARED WRITE IN FOR REPUBLICAN PARTY BALLOT:

Many voters were upset that their ballot was rejected and returned by the voting machine because they voted for a write in candidate instead of the candidate printed on the ballot. In Maine, in order to be elected as a write in candidate, the person must register with the state 60 days before Election Day and declare their candidacy. No one had done that, so the State programmed the voting machines to reject and return to the voter all ballots if a voter voted for a write in. This is done in order to give the voter the opportunity to vote for someone who is an official candidate in this election, eligible to be elected in this election and have his or her vote count. Many voters were frustrated and upset by this action.

CMP CORRIDOR ISSUE:

Many voters were expecting to have a ballot referendum question regarding the CMP Corridor project and were very upset to learn it was not a ballot question in this election. Several said given the media coverage and campaign signs on this issue, they thought it was on this ballot and that was the only reason they went to the polls.

DISTRIBUTION OF CAMPAIGN LITERATURE AT POLLS:

There was at least one campaign at the polls on Tuesday that was distributing flyers promoting their candidate. This candidate is on the ballot for June but not on the ballot in Tuesday's election. As such, the Secretary of State's Office deemed it was not voter influence and they were permitted to distribute their materials. Voters took the flyers but then dropped them on the floor, parking lots, left them in the voting booths, etc. It created a mess and some cases a slip hazard. We asked the person passing out the flyers to only distribute to voters who were exiting and not entering.

There was an elderly gentleman from out of town who was in front of the Longley building entrance passing out literature on the safety concerns with vaccines. We asked him to leave since it was a violation of election law to be distributing material that could directly influence a voter. He refused to leave citing his first amendment rights of free speech. We had the police escort him off the property.

OTHER ITEMS:

Several questions were posed to the City Clerk's Office because voters heard Lewiston experienced problems with broken voting machines and lack of ballots. Neither are true. The voting machines operated fine and Lewiston did not run out of ballots like many other communities that did run out.

MOVING FORWARD 2020:

- May 12 – School Budget Referendum – All voting will take place at Longley. This election has been held every May since 2008 and has always been held at Longley. The voter turnout for this election for the past several years is:
 - May 2019 – 648 voters, 2.3 % voter turnout
 - May 2018 – 1135 voters, 4.3% voter turnout
 - May 2017 – 834 voters, 3% voter turnout
 - May 2016 – 740 voters, 2.8% voter turnout

- June 9 – State Primary Election – This is a regular election so all polling places will be open

- November 3 – Presidential Election – This is a regular election so all polling places will be open

The Colisee does not have any events currently scheduled for the above three dates. They have confirmed that May and June is a slow period for events. They have blocked off their calendar for November 3 and will not book any events on this date.

MOVING FORWARD 2024:

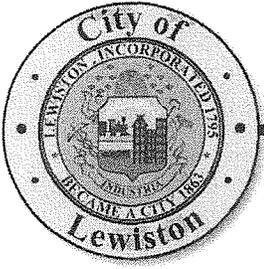
- March 5, 2024 – Presidential Primary Election. Since the Presidential Primary election is now an established, on-going election and known in advance, all of the regular polling places will be open and operating. The Colisee has confirmed that the high school hockey play off championship games are always held during the first two weeks of March, so we do anticipate this conflict may occur again in four years. The City will work to minimize the impact by encouraging voters to consider voting by absentee ballot and working with both Public Works and the Police Department again on parking enforcement and traffic control.

FINAL NOTES: CITIZEN ELECTION WORKERS

In closing, this is not a review of a complaint but rather a compliment to the city's citizen election workers. The city hired 45 citizens to work at the polls to administer this election for their fellow residents. They are the front line and addressed most of these issues and complaints first hand, all day long on Tuesday. They willingly serve their community in this manner. While they do receive a modest stipend in exchange for their time, it does not come close to compensating them for the service they are providing and the work they performed on Tuesday. They are absolutely the unsung and unfortunately unrecognized folks who make it possible to run an event of this size for the community. They handled the day with patience, professionalism, courtesy and, at times, much needed humor. We simply could not operate without them and we are truly thankful to have their support and dedication to the election process.

Report prepared and submitted by:

Kathleen M. Montejo, Lewiston City Clerk & Registrar of Voters March 5, 2020



PUBLIC WORKS DEPARTMENT

#5

Dale F. Doughty, Director

May 7, 2020

To: Ed Barrett, City Administrator
From: Dale F. Doughty, Public Works Director

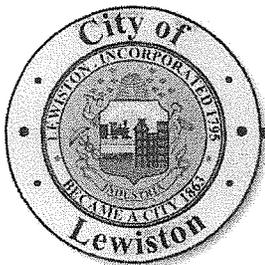
As businesses open under Governor Mills *Restarting Plan*, there will be a need to maintain several safety measures including social distancing. In our urban environment there are businesses whose entrances are close to the right-of-way and lobbies are not of adequate size to accommodate social distancing of their anticipated customers. They may need to use sidewalks and shoulders of the road to allow their customers to lineup in a safe manner consistent with Maine CDC and the Governor's guidelines.

In preparation for anticipated requests to allow pavement guide markings we developed the following proposed guidelines. If adopted, Public Works can then work efficiently with businesses to meet their needs.

- Signage in the right of way providing instructions to patrons may be the temporary political type of signs meeting Maine State Law and Lewiston City Ordinance. LPW will assist businesses place such signs in a manner that does not interfere with traffic control, pedestrians, Americans with Disabilities Act, or other business activities.
- Pavement markings shall be white and consist of lines 2-3 inches in thickness or dots or other generic icons such as footprints that are up to 8" in diameter. The paint used will be pavement marking paint that can be purchased in most local hardware stores. It is anticipated that this paint will fade over the upcoming year. Colors other than white may be confused with utility markings and other operational markings and generally should not be allowed.
- Public Works may assist these businesses ensure that their patrons are safely separated from moving traffic and ensure that non-patrons have adequate access to the right of way.

If a business would like to use their logo, other more artistic markings or colors other than white, the Director of Public Works will assist them in getting on the next City Council Agenda for approval.

#6



EXECUTIVE DEPARTMENT

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

May 7, 2020

To: Honorable Mayor and Members of the City Council
Fr: Edward Barrett
Su: Monty Hydro Proposed FERC License Amendment

Brookfield WhitePine Hydro, LLC is proposing to amend the project boundary for the Lewiston Falls/Monty Hydro facility. The current project boundary extends approximately 5 miles (28,000 feet) downstream from the dam near the Longley Bridge. The proposal is to reduce that to .28 miles (1,450 feet). Maps showing the proposed change are attached to the portions of the FERC submission reproduced for this meeting.

With everything going on with COVID 19 and the associated disruptions in work schedules and mail, staff did not review the proposal until it was filed recently with FERC. Although the pre-application comment period has passed, we recommend commenting on the proposal during the FERC review process. We have discussed this with other stakeholders and they too became aware of the proposal last week and will likely provide comments. The Auburn City Council discussed this last week, and authorized its staff to do so.

The most significant impact of this change is to remove a considerable area of the river and adjacent lands from the project, making it more difficult to request that Brookfield provide recreational amenities in these areas. Areas removed include portions of Simard-Payne park, the pedestrian bridge to Auburn, Potvin Park, the potential for extending trails south along the river from Simard-Payne, and Dresser Rips, the rapids just upstream from the I-95 bridge. As to the later, that has been discussion of adding amenities above and below the rips to allow for white water kayaking.

Given that we are approaching the relicensing of the Monty project, this change may be an initial effort by Brookfield to remove these areas from recreational amenity consideration during the relicensing process.

{W6790167.1}

City Hall, 27 Pine Street, Lewiston, ME 04240 • Tel. (207) 513-3121 • TTY/TDD (207) 513-3007 • Fax (207) 795-5069

Email: ebarrett@lewistonmaine.gov • ddauteuil@lewistonmaine.gov

Web Page: www.lewistonmaine.gov

Staff recommends that we file comments asking FERC to not reduce the project boundary. While there is some logic to a reduction in project boundaries because the area occupied by project infrastructure on the downstream side of the dam was reduced when Brookfield transferred ownership of the canals to the City, the area affected by this change represents eliminating about 1 mile of river from the project area, retaining 4+/-miles. The proposed reduction would reduce the current project area from 5 miles to about one-quarter mile.

If there is no objection, staff would like to file comments with FERC on behalf of the City asking that the project boundary not be reduced.



April 22, 2020

On behalf Brookfield White Pine Hydro LLC (White Pine Hydro) this letter is to inform you that White Pine Hydro has submitted to the Federal Energy Regulatory Commission (FERC) Application for a Non-Capacity Amendment of License – Revised Exhibit G.

The electronic files can be downloaded through FERC's eLibrary at http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20200421-5260 or by searching under the Project's docket P-2302.

If you have any questions, please contact Kelly Maloney at Kelly.Maloney@brookfieldrenewable.com or Wendy Bley at Wendy.Bley@Kleinschmidtgroup.com.

If you would like to be removed from this distribution list or have updated contact information, please contact Faith Wintle at Faith.Wintle@kleinschmidtgroup.com.

Thank you,

Wendy Bley

Brookfield

Renewable

April 20, 2020

ELECTRONICALLY FILED

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street N.W.
Washington, DC 20426

Project No. 2302
Lewiston Falls Project
Application for a Non-Capacity Amendment of License – Revised Exhibit G

Dear Secretary Bose,

Brookfield White Pine Hydro, LLC (BWPH) is the Federal Energy Regulatory Commission (FERC) licensee for the Lewiston Falls Project (FERC No. 2302). Pursuant to the requirements of 18 CFR § 4.201, BWPH files the attached application for a non-capacity amendment of license for its Lewiston Falls Project (Project), a major existing water power project over 5 megawatts (MW) located on the Androscoggin River in Lewiston, Maine, to make minor modifications to the Project boundary.

The current license for the Project includes the 28 MW Charles E. Monty Station (Monty Station) powerhouse located on the mainstem of the Androscoggin River. The Licensee is proposing to amend its existing FERC license to modify the Project boundary by shortening the downstream extent of the Project. The existing Project boundary extends 5.3 miles (28,000 feet) downstream of the Project powerhouse. The proposed downstream extent of the Project boundary would be 0.28 miles (1,450 feet) downstream of the powerhouse. The proposed modification of the Project boundary would eliminate approximately 5 miles of free-flowing Androscoggin River from the licensed Project boundary—waters that are not necessary for Project purposes and that are remnant from a previous modification to amend the license to remove and decommission the canal system from the Lewiston Falls Project.

The proposal includes no changes to Project features or operations and will have no impact on the generating or water control capabilities of Monty Station. The Lewiston Falls Project will continue to operate under the terms of its current FERC license and applicable Water Quality Certification (WQC). To that end, no environmental resources are affected by the proposed Project boundary modification and all protection, mitigation and enhancement measures required by the Project license would be unchanged.

BWPH is required to submit only those exhibits that are affected by the proposal. As there are no changes to the Project structures and operations, the following Exhibits are unchanged:

Brookfield

Renewable

- Exhibit A – there is no specific description of the Project boundary in Exhibit A that requires amendment of this exhibit including the discussion of lands of the United States.
- Exhibit B - there is no specific description of the Project boundary in Exhibit B and no proposed changes in operation that requires amendment of this exhibit.
- Exhibit C - there is no proposed construction.
- Exhibit D – there is no proposed construction.
- Exhibit F – there are no proposed changes to Project structures and no changes required of this exhibit.

In accordance with the consultation requirements outlined in 18 CFR 4.38(a)(7), BWPH has consulted with agencies, tribes and other interested organizations regarding the proposed Project boundary change. No issues or concerns were expressed by any of the consulted entities. A complete consultation record, including copies of all comments received, are included in the application (see Appendix I)

BWPH respectfully requests that the Commission review and authorize the proposed changes to the Lewiston Falls Project. If you have any questions regarding this application, please contact Ms. Kelly Maloney at BWPH at kelly.maloney@brookfieldrenewable.com or 207-755-5606.

Regards,



Kelly Maloney
Manager, Compliance Northeast

Attachment: Application for a Non-Capacity Amendment of License

cc: Distribution List

Distribution List

Federal Agencies

Mr. John Spain Regional Engineer
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10001 john.spain@ferc.gov

Mr. William McDavitt Environmental
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NOAA - National Marine Fisheries Service
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Gloucester, MA 01930

Mr. Kevin Mendik
NPS Hydro Program Manager National
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Kevin_Mendik@nps.gov

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Regional Administrator
NOAA - National Marine Fisheries Service
Northeast Region
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Regional Wildlife Biologist
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Chief Brenda Commander Houlton Band of
Maliseet Indians 88 Bell Road
Littleton, ME 04730

Susan Young
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Governor Frederick Moore III
Passamaquoddy Tribe - Pleasant Point
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Kirk.Francis@penobscotnation.org

Chris Sockalexis, THPO
Cultural and Historic Preservation Program
Natural Resources Department
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Androscoggin County Commissioners
Commissioners Office
2 Turner Street, Unit 2
Auburn, ME 04210

Amy Landry, Executive Director
Androscoggin Valley Council of
Governments
125 Manley Road
Auburn, ME 04210

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

Mr. Peter Crichton Acting City Manager
City of Auburn
60 Court Street
Auburn, ME 04210

NGO

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Grow L-A
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Lewiston, ME 04240

Shanna Cox, President
Lewiston Auburn Economic Growth Council
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Lewiston, ME 04243

Lewiston - Auburn Chamber of Commerce
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Mr. Jeff Reardon
Trout Unlimited
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Hallowell, ME 04347
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Licensee

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Nate Stevens
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Nathan.Stevens@brookfieldrenewable.com

Kelly Maloney
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Kelly.Maloney@brookfieldrenewable.com

**BROOKFIELD WHITE PINE HYDRO LLC
APPLICATION FOR NON-CAPACITY AMENDMENT OF LICENSE
LEWISTON FALLS PROJECT
(FERC NO. 2302)**

Submitted by:

**Brookfield White Pine Hydro LLC
150 Main Street
Lewiston, ME 04240**

Prepared by:

**Kleinschmidt Associates
141 Main Street
Pittsfield, ME 04967**

April 2020

Brookfield

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**LEWISTON FALLS PROJECT
(FERC NO. 2302)**

APPLICATION FOR NON-CAPACITY AMENDMENT OF LICENSE

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**BEFORE THE
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

**Brookfield White Pine Hydro LLC) FERC Project No. 2302
) Lewiston Falls Project
)**

APPLICATION FOR NON-CAPACITY AMENDMENT OF LICENSE

INITIAL STATEMENT

1. Brookfield White Pine Hydro, LLC (“BWPH”) is applying to the Federal Energy Regulatory Commission (FERC or Commission) for a non-capacity amendment of license for the Lewiston Falls Project (FERC No. 2302) (the “Project”), a major existing water power project over 5 megawatts (MW), as described in the attached exhibits. This application is for a change in Project boundary and, therefore, a non-capacity amendment in accordance with FERC regulations at 18 CFR §4.201.
2. The exact name, business address, and telephone number of the Applicant are:

Brookfield White Pine Hydro, LLC
150 Main St.
Lewiston, ME 04240

The exact name, address, and telephone number of each person authorized to act as an agent for the Applicant in this application are:

Kelly Maloney
Brookfield White Pine Hydro, LLC
150 Main St.
Lewiston, ME 04240
(207) 755-5606
Kelly.Maloney@brookfieldrenewable.com

3. The Applicant is a domestic limited liability company organized and existing under the laws of the State of Delaware and having its principal place of business in Lewiston, Maine, and is

the Licensee for the Project in the records of FERC under Order Issuing New License issued on September 29, 1986.

4. The current license for the Project includes a dam, impoundment and the Charles E. Monty Station (Monty Station) powerhouse located on the mainstem of the Androscoggin River. The current Project boundary encompasses the Project dam, powerhouse, impoundment, and tailwater area, as well as 5.3 miles of Androscoggin River mainstem downstream of the dam. The Licensee is proposing to amend its FERC license to modify the downstream extent of the current Project boundary, and terminate the Project boundary approximately 1,450 feet (0.28 miles) downstream of Monty Station. This proposed modification to the Project boundary would have no effect on any Project facilities. The Project waters to be removed from the Project boundary are not necessary for Project purposes. The downstream, FERC-approved Project recreation site (Durham Boat Launch) will be unaffected by this change and will remain within the Project boundary. The proposal will have no impact on the generating or water control capabilities of Monty Station, and the Project will continue to operate under the terms of its current FERC license and applicable Water Quality Certification (WQC).
5. (i) The statutory or regulatory requirements of the state in which the Project is located that affect the Project as proposed with respect to bed and banks and the appropriation, diversion, and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power and in any other business necessary to accomplish the purposes of the license under the Federal Power Act, are as follows:
 - (1) The Maine Waterway Development and Conservation Act (MWDCA), enacted in 1983, regulates certain construction or reconstruction of hydropower projects which change water levels or flows above or below a dam. The proposed Project boundary change would not involve any construction or changes in water levels that would require approval under the MWDCA.
 - (2) The Mill Act, essentially enacted in 1821, allows riparian owners to maintain dams and raise water. The statute does not require any permits and has been interpreted by the Maine Supreme Judicial Court to apply to hydroelectric generating plants. See Veazie v. Dwinel, 50 Me. 479 (1862). Maine case law has also held that owners of the riverbed have the right to the natural flow of a stream as it passes through their land, Wilson & Son v. Harrisburg, 107 Me. 207 (1910). Licensee either owns or has easement or flowage rights to all Project lands and waters, and the proposed Project boundary change would have no effect on these rights.
- (ii) The steps that the Applicant has taken or plans to take to comply with each of the laws cited above are:

- (1) As evidenced herein, BWPH will continue to operate the Project in full compliance with its current Maine Waterway Development and Conservation Act Permit and Water Quality Certification originally issued and subsequently amended by the MDEP. Nothing in this Application and the proposed modification of the downstream extent of the Project boundary will change the water quality of the Project, or the total and minimum flows being discharged from the Project. The Licensee will continue to own or maintain easement and flowage rights to the Project lands and waters retained in the revised Project boundary.

SUBSCRIPTION

This Application for Amendment of License for the Lewiston Falls Hydroelectric Project, FERC No. 2302, is executed in the State of Maine, by Tom Uncher of Brookfield White Pine Hydro LLC, 150 Main Street, Lewiston, ME 04240, who, being duly sworn, deposes and says that the contents of this application are true to the best of his knowledge or belief and that he is authorized to execute this application on behalf of Brookfield White Pine Hydro LLC. The undersigned has signed this application this 20th day of April, 2020.

BROOKFIELD WHITE PINE HYDRO LLC

By Tom Uncher

Tom Uncher
Vice President
Brookfield White Pine Hydro LLC

VERIFICATION

Subscribed and sworn to before me, a Notary Public of the State of ^{New York} ~~Maine~~, this 20th day of April, 2020.

Kellen L. Haas
(Notary Public)

KELLEN L. HAAS
Notary Public, State of New York
Saratoga County #01HA6385815
Commission Expires Jan. 14, 2023

(My Commission Expires 1/14/2023)/seal

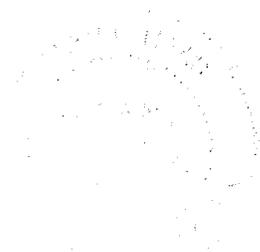


EXHIBIT E
ENVIRONMENTAL REPORT

**LEWISTON FALLS PROJECT
(FERC NO. 2302)**

APPLICATION FOR NON-CAPACITY AMENDMENT OF LICENSE

EXHIBIT E – ENVIRONMENTAL REPORT

1.0 PURPOSE AND NEED FOR ACTION

The existing Project boundary extends 5.3 miles downstream of the Project powerhouse. Originally, the FERC-licensed Project included the entire Lewiston Canal system, and the downstream Project boundary was intended to include all of the canal facilities and discharge points. In an Order dated November 9, 2017, FERC amended the Project license to remove the entire Canal system and its associated water conveyance and generating structures from the licensed Project. As a result, there are no Project facilities or Project operations that would affect the Androscoggin River downstream of the Project beyond the immediate tailwaters of Monty Station. Thus, the lowermost 5 miles the free-flowing Androscoggin River within the existing Project boundary is not needed for Project purposes.

2.0 PROPOSED ACTION AND ALTERNATIVES

The Licensee is proposing to amend its existing FERC license to modify the Project boundary by shortening the downstream extent of the Project. The existing Project boundary extends 5.3 miles (28,000 feet) downstream of the Project powerhouse. The proposed downstream extent of the Project boundary would be 0.28 miles (1,450 feet) downstream of the powerhouse (Figure E2-1). The proposed modification of the Project boundary would eliminate approximately 5 miles of free-flowing Androscoggin River from the licensed Project boundary—waters that are not necessary for Project purposes.

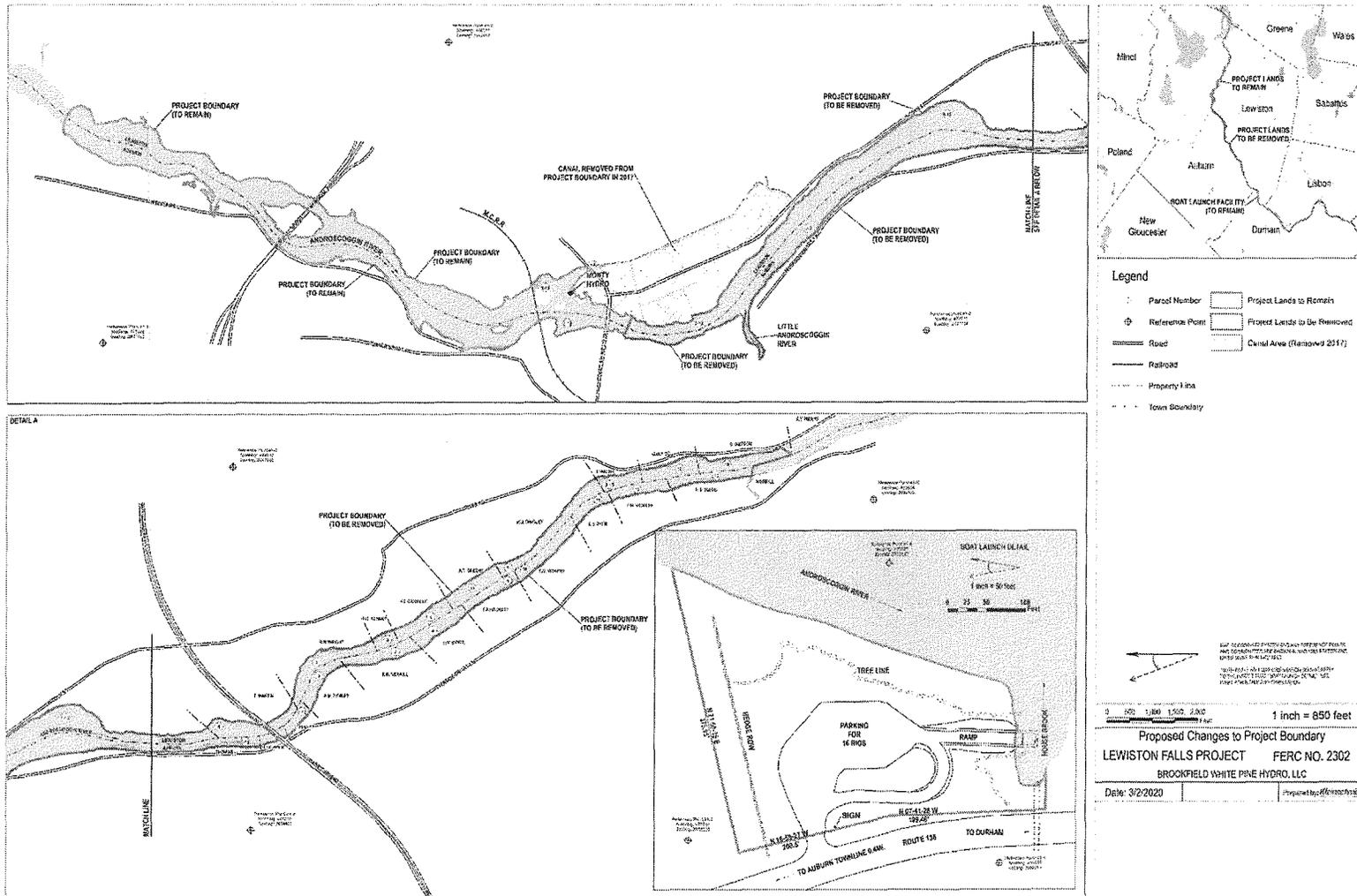


Figure E2-1 Lewiston Falls Existing and Proposed Project Boundary

3.0 CONSULTATION

The Licensee has consulted with federal and state agencies as well as local governments regarding the proposed license amendment. The proposed Project boundary change was distributed to agencies and stakeholders February 28, 2020 and the Licensee requested comments within 30 days, by April 3, 2020. The list of agencies and other stakeholders that were provided an opportunity to review and comment on the draft application are included in the Distribution List attached to Licensee’s February 28, 2020 distribution, which is included in the consultation record (Appendix I). Comments were received from the U.S. Fish and Wildlife Service (USFWS), the Maine Department of Inland Fisheries and Wildlife (MDIFW), and the Maine Department of Agriculture, Conservation and Forestry Bureau of Parks and Lands (MBPL). None of the responding agencies had any issues or concerns with the proposed Project boundary change. No other comments were received. The full consultation record is provided in Appendix I.

4.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL EFFECTS

4.1 Description of Project Area

The Lewiston Falls Project is located on the Androscoggin River in the downtown areas Lewiston and Auburn, Maine. The Androscoggin River is Maine's third largest river and its watershed covers an area of 3,500 square miles and the river flows 161 miles from Umbagog Lake to Merrymeeting Bay. The Androscoggin River basin is bordered on the west by the Presumpscot River basin and on the east by the Kennebec River basin (NOAA, 2009a).

The Androscoggin River has been extensively developed for industrial use, including hydroelectric power production, for well over a century. The first dam on the river is the Brunswick Project, located near the Merrymeeting Bay head of tide and the Lewiston Falls Project is the third hydroelectric project upstream from Merrymeeting Bay located approximately 23 miles from the head of tide. The Lewiston Falls Project was previously comprised of the Lewiston Falls Dam and Gatehouse, Monty Hydroelectric Station and the Canal system, which had a series of canals and small hydroelectric generating stations but which were removed from the Lewiston Falls Project and decommissioned pursuant to FERC Order Amending License dated November 9, 2017. There are also a number of hydroelectric projects on tributaries to the Androscoggin River, including, notably, the Little Androscoggin River, a tributary that joins the mainstem downstream of the Project in Auburn, Maine.

As discussed in Section 2, BWPH is proposing to remove approximately 5 miles of free flowing Androscoggin River from the Project boundary as this reach is not needed for Project purposes and is a remnant of the previous Project description that included the Canal system and the canal discharge locations. No changes to Project operations, structures or protection, mitigation or enhancement measures are proposed, and all conditions of the FERC license and WQC, as amended, would perpetuate.

4.2 Geology and Soils

There are no changes to Project operations proposed as part of the revision of the Project boundary. There is no land contained within the reach of the Androscoggin River encompassed by the proposed Project boundary revision as this reach follows an elevation that corresponds to the normal tailwater elevation of the Lewiston Falls Project. As such, factors affecting soils and erosion would be unchanged.

4.3 Water Resources

There are no changes to Project operations proposed as part of the revision of the Project boundary. Project operational flows and minimum flows required by the Project license and

WQC, as amended, would be unchanged. As such, there is no effect to water quantity or quality from this proposal.

4.4 Fish and Aquatic Resources

Diadromous fish species that occur in lower Androscoggin River include American shad, river herring, Atlantic salmon and American eel. Fish passage facilities provided at the downstream hydropower projects provide access to the Lewiston Falls area by some migratory species, but passage numbers for anadromous fish remain low (NOAA, 2013). Resident species include bass, pickerel, perch, etc. and brown trout are stocked by MDIFW between the Lewiston Falls and Brunswick Projects (CMP, 1991).

Project operations and structures will remain unchanged. As such, no effect to resident or diadromous fish species nor other aquatic species nor fish and aquatic habitat downstream of the Lewiston Falls Project will result from the removal of the 5 miles of Androscoggin River from the Project boundary.

4.5 Wildlife and Botanical Resources

The portion of the Project proposed for removal from the Project boundary is free-flowing river. There are no wildlife or botanical species or terrestrial habitats that would be affected by the proposed change to the Project boundary.

4.6 Wetlands, Riparian, and Littoral Habitat

The portion of the Project proposed for removal from the Project boundary is free-flowing river and contains no uplands or wetlands. Project operations will be unchanged so Project effects to riparian and littoral habitats will likewise be unchanged.

4.7 Rare, Threatened and Endangered Species

According to the USFWS, the only Endangered Species Act listed species having the potential to occupy the Project is the Gulf of Maine Distinct Population Segment (GOMDPS) Atlantic salmon (*Salmo salar*), which was listed under the Endangered Species Act (ESA) in 2009.

The ESA listing of GOMDPS Atlantic salmon includes critical habitat designations for several river basins in Maine, including a portion of the lower Androscoggin River basin (NMFS, 2009a and b). Although critical habitat for Atlantic salmon does not extend to or above the Lewiston Falls dam, the National Marine Fisheries Service (NMFS) required the Licensee to prepare an Interim Species Protection Plan (ISPP), and on July 19, 2013, NMFS issued a Biological Opinion (BO) for the Project that approved the ISPP (NOAA, 2013); both of which were incorporated into the Project license on December 13, 2012. There are no provisions in the SPP, BO or subsequent FERC Order relative to the Lewiston Falls Project downstream of the powerhouse.

In December 2019, the Licensee filed a Species Protection Plan (SPP) for the Lewiston Falls Project. As with the ISPP, there are no provisions in the SPP or the anticipated BO that affect the river downstream of the Project including the lower 5 miles that are proposed for removal from the Project boundary.

4.8 Land Use and Recreational Resources

The Androscoggin River and riverfront in the vicinity of the Lewiston Falls Project is used for a variety of recreational activities which will be unchanged with the removal of the lower 5 miles of free-flowing river from the Project boundary. Project recreation sites include an improved, hard-surface boat launch that provides access to the Project impoundment, a carry-in boat launch in Lewiston, the Durham boat launch that provides access to the Androscoggin River downstream of the Project, and a scenic overlook located on the Auburn side of the river contained within West Pitch Park. None of these FERC-authorized Project recreation sites would be affected by the proposed Project boundary change. The Durham Boat Launch which is located approximately seven miles downstream of the Project dam will continue to be within the Project boundary, as it is currently.

As discussed elsewhere, there is no land contained within the Project boundary in the reach of the Androscoggin River proposed for removal.

4.9 Historic Properties

The Lewiston Water Power Company was formed in 1850 to develop mills and canals in the Lewiston area. There are numerous historic properties in the Lewiston area, including those associated with the Lewiston Canal System that was once a part of the Project. However, there are no historic properties within the downstream free flowing portion of the Project that is proposed for removal from the Project boundary, and no historic properties will be affected by the change in Project boundary.

4.10 Literature Cited

Federal Energy Regulatory Commission (FERC). 1986. Environmental Assessment Lewiston Falls Hydroelectric Project FERC No. 2302-003-Maine. July 31, 1986

Maine Department of Environmental Protection (MDEP). 2011. Lower Androscoggin River Basin Water Quality Study Modeling Report. March, 2011.

Maine Department of Inland Fisheries and Wildlife (MDIFW). State List of Endangered & Threatened Species. 2015.
http://www.maine.gov/ifw/wildlife/endangered/listed_species_me.htm Accessed March 27, 2020.

- NMFS. 2013. Endangered Species Act Biological Opinion for Amendment of the Licenses for the Lockwood (2574), Shawmut (2322), Weston (2325), Brunswick (2284), and Lewiston Falls (2302) Projects. NMFS Northeast Region. July 19, 2013
- National Marine Fisheries Service (NMFS). 2009a. Endangered and Threatened Species; Determination of Endangered Status for the Gulf of Maine Distinct Population Segment of Atlantic Salmon NOAA Fisheries, Greater Atlantic Region. Federal Register 29344. Vol. 74, No. 117. June 19, 2009.
- NMFS. 2009b. Endangered and Threatened Species; Designation of Critical Habitat for Atlantic Salmon (*Salmo salar*) Gulf of Maine Distinct Population Segment. Federal Register 29300. Vol. 74, No. 117. June 19, 2009.
- NMFS. 2009c. Biological valuation of Atlantic salmon habitat within the Gulf of Maine Distinct Population Segment. National Marine Fisheries Service, Northeast Region. Gloucester, MA.
- Normandeau. 2016. Lewiston Falls Flow Demonstration – 21335.054. Letter report to Mr. Bob Richter, Brookfield White Pine Hydro. March 22, 2016.
- NRCS. USDA Natural Resources Conservation Service. 2016. Soil Survey Maps. <http://www.nrcs.usda.gov/wps/portal/nrcs/surveylist/soils/survey/state/?stateId=ME> Accessed September 6, 2016
- U.S. Environmental Protection Agency (USEPA). 2005. EPA New England's TMDL Review. Boston, MA. Letter and Report to Maine Department of Environmental Protection. July 18th, 2005.
- U.S. Fish and Wildlife Service (USFWS). 2015a. Endangered Species Maps Overview. <http://www.greateratlantic.fisheries.noaa.gov/protected/section7/guidance/maps/index.html> Accessed January 13, 2016.
- USFWS. 2020. National Wetlands Inventory. <http://www.fws.gov/wetlands/Data/Mapper.html> Accessed March 27, 2020.
- USFWS. 2020. Environmental Conservation Online System (ECOS). IPaC. <https://ecos.fws.gov/ipac/> Accessed April 6, 2020.

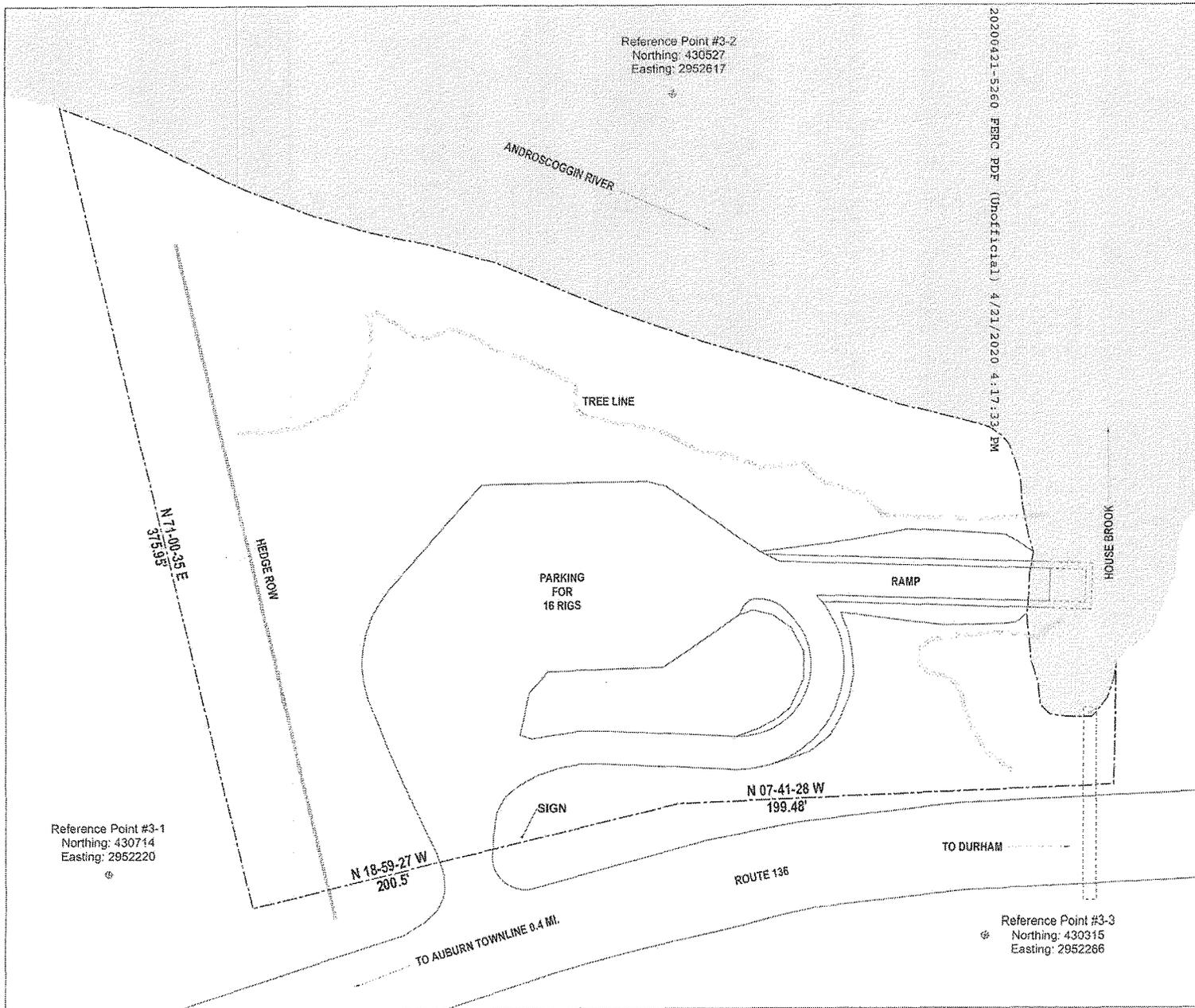
EXHIBIT G
PROPOSED PROJECT BOUNDARY REVISIONS

**LEWISTON FALLS PROJECT
(FERC NO. 2302)**

APPLICATION FOR NON-CAPACITY AMENDMENT OF LICENSE

EXHIBIT G – PROPOSED PROJECT BOUNDARY REVISIONS

The current and proposed Project boundary are shown in Figure E2-1 and in the draft Exhibit G maps included herein. Final Exhibit G Project Boundary maps will be provided upon FERC approval.



Greene Wales

Minot Lewiston Sabattus

Pulaski Auburn Lisbon

New Gloucester Durham

FERC Project Boundary Overland/Underwater Bridge

Reference Point Trees

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE STATE OF MAINE REGULATIONS AND FEDERAL REGULATIONS AND ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS AND ORDINANCES.
2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROJECT AREA AND HAS FOUND NO OBVIOUS OBSTACLES OR ENCUMBRANCES WHICH WOULD AFFECT THE PROJECT. THE DESIGNER HAS NOT CONDUCTED A SURVEY OF THE PROJECT AREA AND HAS NOT OBTAINED ANY RECORD DRAWINGS OR RECORDS OF THE PROJECT AREA.
3. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROJECT AREA AND HAS FOUND NO OBVIOUS OBSTACLES OR ENCUMBRANCES WHICH WOULD AFFECT THE PROJECT. THE DESIGNER HAS NOT CONDUCTED A SURVEY OF THE PROJECT AREA AND HAS NOT OBTAINED ANY RECORD DRAWINGS OR RECORDS OF THE PROJECT AREA.
4. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROJECT AREA AND HAS FOUND NO OBVIOUS OBSTACLES OR ENCUMBRANCES WHICH WOULD AFFECT THE PROJECT. THE DESIGNER HAS NOT CONDUCTED A SURVEY OF THE PROJECT AREA AND HAS NOT OBTAINED ANY RECORD DRAWINGS OR RECORDS OF THE PROJECT AREA.
5. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROJECT AREA AND HAS FOUND NO OBVIOUS OBSTACLES OR ENCUMBRANCES WHICH WOULD AFFECT THE PROJECT. THE DESIGNER HAS NOT CONDUCTED A SURVEY OF THE PROJECT AREA AND HAS NOT OBTAINED ANY RECORD DRAWINGS OR RECORDS OF THE PROJECT AREA.
6. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROJECT AREA AND HAS FOUND NO OBVIOUS OBSTACLES OR ENCUMBRANCES WHICH WOULD AFFECT THE PROJECT. THE DESIGNER HAS NOT CONDUCTED A SURVEY OF THE PROJECT AREA AND HAS NOT OBTAINED ANY RECORD DRAWINGS OR RECORDS OF THE PROJECT AREA.

SURVEYORS STATEMENT:

I, the undersigned, being duly licensed and qualified as a Professional Surveyor in the State of Maine, do hereby certify that the foregoing is a true and correct copy of the original field notes and computations upon which this map is based, and that I am a member of the Maine Surveyors Association.



 Professional Surveyor


 NORTH

 1 inch = 20 feet

Exhibit G Project Detail Map (Durham Boat Launch)
LEWISTON FALLS PROJECT FERC NO. 2302
BROOKFIELD WHITE PINE HYDRO, LLC
 Date: 4/20/2020 Sheet 3 of 3 Prepared by: *Watershed*

APPENDIX I
CONSULTATION SUMMARY

Brookfield

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

Tel 207.755.5600
Fax 207.755.5655
www.brookfieldrenewable.com

March 3, 2020

Re: Lewiston Falls Project FERC No. 2302

Dear Recipient or Stakeholder,

Brookfield White Pine Hydro, LLC (BWPH) is applying to the Federal Energy Regulatory Commission (FERC) for a non-capacity amendment of license for its Lewiston Falls Project (Project), a major existing water power project over 5 megawatts (MW) located on the Androscoggin River in Lewiston, Maine. The Project features, by order amending license dated November 9, 2017 consist of a dam comprised of five sections (Dams No. 1, 2, 3, 4 and 5), impoundment, and the mainstem power station (Monty Station).

As a follow up to FERC's November 9, 2017 order amending the Project license to remove portions of the Lewiston canal system and its four non-operating stations, BWPH, as outlined in the attached draft Exhibit G, is proposing to revise the Project boundary to remove lands and waters not necessary for Project purposes that are remnant of the previous Project description, inclusive of the canal system. To that end, the existing project boundary extends downstream of the Lewiston Falls Dam and powerhouse approximately 5 miles and includes sections of the river to which the former Project canal system discharged.

The proposal includes no changes to Project features or operations and will have no impact on the generating or water control capabilities of the Project. The Project will continue to operate under the terms of its current FERC license and applicable Water Quality Certification (WQC). No environmental resources are affected by the proposed Project boundary modification and all protection, mitigation and enhancement measures required by the Project license would be unchanged.

In accordance with the consultation requirements outlined in 18 CFR 4.38(a)(7), BWPH is providing the attached revised Exhibit G sheet for your organization's review and comment. Consistent with FERC's regulations, we are providing a 30 day review period, and comments on the draft revised Exhibit G should be returned to Brookfield by April 2, 2020. Comments may be provided in writing via email and addressed to:

Kelly Maloney
Brookfield White Pine Hydro, LLC
150 Main St.
Lewiston, ME 04240
(207) 755-5606
Kelly.Maloney@brookfieldrenewable.com

Lewiston Falls Project FERC No. 2302, March 3, 2020
Page 2 of 2

Thank you for your consideration of the revised Exhibit G. Should you have any questions, please contact me kelly.maloney@brookfieldrenewable.com or 207-755-5606.

Regards,

A handwritten signature in black ink that reads "Kelly Maloney". The signature is written in a cursive, flowing style.

Kelly Maloney
Manager, Compliance – Northeast

Attachment: Revised Exhibit G

cc: Distribution List

Distribution List
Lewiston Falls Project (FERC No. 2302)

Federal Agencies

Mr. John Spain
Regional Engineer
Federal Energy Regulatory Commission
Division of Dam Safety and Inspections
New York Regional Office
19 W 34th Street, Suite 400
New York, NY 10001
john.spain@ferc.gov

Mr. William McDavitt
Environmental Specialist
NOAA - National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Mr. Kevin Mendik
NPS Hydro Program Manager
National Park Service
U.S. Department of the Interior
15 State Street, 10th Floor
Boston, MA 02109-3572
Kevin_Mendik@nps.gov

Mr. Antonio Bentivoglio
U.S. Fish and Wildlife Service
Maine Field Office
4 Fundy Road #R
Falmouth, ME 04105
antonio_bentivoglio@fws.gov

Mr. Jay Clement
U.S. Army Corps of Engineers
675 Western Avenue #3
Manchester, ME 04351
jay.l.clement@usace.army.mil

Mr. Ralph Abele
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code OEP06-02
Boston, MA 02109-3946
abele.ralph@epa.gov

Mr. Sean P. McDermott
Fisheries Biologist
NOAA - National Marine Fisheries Service
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Gloucester, MA 01930
Sean.McDermott@Noaa.Gov

Mr. Samuel D. Rauch III (Acting)
Assistant Regional Administrator
NOAA - National Marine Fisheries Service
Northeast Region
One Blackburn Drive
Gloucester, MA 01930

U.S. Army Corps of Engineers
Divisional Office, Regulatory
696 Virginia Road
Concord, MA 01742

State Agencies

Ms. Kathy Howatt
Bureau of Land Resources
Maine Department of Environmental
Protection
17 State House Station
Augusta, ME 04333-0017
Kathy.howatt@maine.gov

Mr. Francis Brautigam, Director
Division of Fisheries
Maine Department of Inland Fisheries and
Wildlife
284 State Street
41 State House Station
Augusta, ME 04333-0041

Mr. Scott Lindsay
Regional Wildlife Biologist
Maine Department of Inland Fisheries and
Wildlife
358 Shaker Road
Gray, ME 04039

Distribution List
Lewiston Falls Project (FERC No. 2302)

Mr. James Pellerin
Fisheries Biologist
Maine Department of Inland Fisheries and
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358 Shaker Road
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Mr. John Perry
Environmental Coordinator
Maine Department of Inland Fisheries
and Wildlife
284 State Street
41 State House Station
Augusta, ME 04333-0041
john.perry@maine.gov

Ms. Gail Wippelhauser
Marine Resources Scientist
Maine Department of Marine Resources
21 State House Station
Augusta, ME 4333-0021
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Mr. Jim Vogel
Senior Planner
Department of Agriculture, Conservation,
and Forestry
Division of Parks and Public Lands
18 Elkins Lane, Harlow Building
22 State House Station
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Jim.Vogel@maine.gov

Mr. Kirk Mohney, Director
Maine Historic Preservation Commission
55 Capitol Street
65 State House Station
Augusta, ME 04333
kirk.mohney@maine.gov

Tribes

Chief Edward Peter Paul
Aroostook Band of Micmacs
7 Northern Road
Presque Isle, ME 04769

Chief Brenda Commander
Houlton Band of Maliseet Indians
88 Bell Road
Littleton, ME 04730

Susan Young
Historic Preservation Officer
Houlton Band of Maliseets
Natural Resources Department
88 Bell Road
Littleton, ME 04730
ogs1@maliseets.com

Governor Frederick Moore III
Passamaquoddy Tribe - Pleasant Point
Reservation
PO Box 343
Perry, ME 04667

Chief William J. Nicholas, Sr.
Passamaquoddy Tribe - Indian Township
PO Box 301
Princeton, ME 04668

Chief Kirk Francis
Penobscot Indian Nation
12 Wabanaki Way
Indian Island, ME 04468
Kirk.Francis@penobscotnation.org

Chris Sockalexis, THPO
Cultural and Historic Preservation Program
Natural Resources Department
Penobscot Indian Nation
12 Wabanaki Way
Indian Island, ME 04468
chris.sockalexis@penobscotnation.org

Local / Governments

Mr. Larry Post, County Administrator
Androscoggin County Commissioners
Commissioners Office
2 Turner Street, Unit 2
Auburn, ME 04210

Distribution List
Lewiston Falls Project (FERC No. 2302)

Amy Landry, Executive Director
Androscoggin Valley Council of
Governments
125 Manley Road
Auburn, ME 04210

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

Mr. Peter Crichton
Acting City Manager
City of Auburn
60 Court Street
Auburn, ME 04210

NGO

Mr. John R.J. Burrows
Director of New England Programs
Atlantic Salmon Federation
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Brunswick, ME 04011
john@asf.comcastbiz.net

Androscoggin River Committee
Androscogginrivercommittee@gmail.com

Shelley Kruszewski, Director
Androscoggin Land Trust
86 Main Street, Suite 201
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Grow L-A
271 Park Street
Lewiston, ME 04240

Shanna Cox, President
Lewiston Auburn Economic Growth
Council
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Lewiston, ME 04243

Lewiston - Auburn Chamber of Commerce
PO Box 59
415 Lisbon Street
Lewiston, ME 04243

Mr. Jeff Reardon
Trout Unlimited
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jreardon@tu.org

Licensee

Mr. Nate Stevens
Brookfield Renewable Group
Brookfield White Pine Hydro LLC
150 Main Street
Lewiston, ME 04240
Nathan.Stevens@brookfieldrenewable.com

Kelly Maloney
Brookfield Renewable Group
Brookfield White Pine Hydro LLC
150 Main Street
Lewiston, ME 04240
Kelly.Maloney@brookfieldrenewable.com

From: [Bentivoglio, Antonio](#)
To: [Faith Wintle](#)
Cc: [Wendy Bley](#); [Teta Jungels](#); [Maloney, Kelly](#); [Harris, Anna](#)
Subject: Re: Lewiston Falls Project (P-2302)
Date: Wednesday, March 4, 2020 11:48:58 AM

Thanks for sending us the document Faith,
due to our current staffing, we are unable to review the document and provide input.

Antonio

From: Faith Wintle <Faith.Wintle@KleinschmidtGroup.com>
Sent: Wednesday, March 4, 2020 11:32 AM
Cc: Wendy Bley <Wendy.Bley@Kleinschmidtgroup.com>; Teta Jungels <Teta.Jungels@KleinschmidtGroup.com>
Subject: [EXTERNAL] Lewiston Falls Project (P-2302)

Good Day,

Brookfield White Pine Hydro, LLC (BWPH) is applying to the Federal Energy Regulatory Commission (FERC) for a non-capacity amendment of license for its Lewiston Falls Project (Project), a major existing water power project over 5 megawatts (MW) located on the Androscoggin River in Lewiston, Maine. In 2017, the Project license was amended to remove the Lewiston canal system. Now BWPH is proposing to revise the Project boundary to remove lands and waters not necessary for Project purposes that are remnant of the previous Project description, inclusive of the canal system. We are providing you with the attached consultation letter and revised Exhibit G map for your review and comments. Please note that comments are due on April 3, 2020. If you have any questions, please contact Kelly Maloney at Kelly.Maloney@brookfieldrenewable.com or Wendy Bley at Wendy.Bley@Kleinschmidtgroup.com.

Thank you,

Faith Wintle
Project Coordinator

Office: 207.487.3328 Ext. 1212
www.KleinschmidtGroup.com

From: [Maloney, Kelly](#)
To: [Anderson, Luke](#); [Murphy, Kyle](#); [Wendy Bley](#)
Subject: FW: Lewiston Falls Project (P-2302)
Date: Thursday, April 2, 2020 11:21:39 AM
Attachments: [image002.png](#)

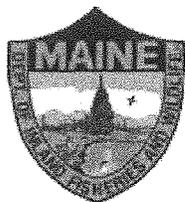
From: Perry, John <John.Perry@maine.gov>
Sent: Thursday, April 02, 2020 11:03 AM
To: Maloney, Kelly <Kelly.Maloney@brookfieldrenewable.com>
Subject: RE: Lewiston Falls Project (P-2302)

Hi Kelly,

MDIFW has no concerns with this proposal.

John

John Perry
Environmental Review Coordinator
Maine Department of Inland Fisheries and Wildlife
284 State Street, 41 SHS
Augusta, Maine 04333-0041
Tel (207) 287-5254; Cell (207) 446-5145
Fax (207) 287-6395
www.mefishwildlife.com



Correspondence to and from this office is considered a public record and may be subject to a request under the Maine Freedom of Access Act. Information that you wish to keep confidential should not be included in email correspondence.

From: Faith Wintle <Faith.Wintle@KleinschmidtGroup.com>
Sent: Wednesday, March 04, 2020 11:33 AM
Cc: Wendy Bley <Wendy.Bley@Kleinschmidtgroup.com>; Teta Jungels <Teta.Jungels@KleinschmidtGroup.com>
Subject: Lewiston Falls Project (P-2302)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Day,

Brookfield White Pine Hydro, LLC (BWPH) is applying to the Federal Energy Regulatory Commission (FERC) for a non-capacity amendment of license for its Lewiston Falls Project (Project), a major existing water power project over 5 megawatts (MW) located on the Androscoggin River in Lewiston, Maine. In 2017, the Project license was amended to remove the Lewiston canal system. Now BWPH is proposing to revise the Project boundary to remove lands and waters not necessary for Project purposes that are remnant of the previous Project description, inclusive of the canal system. We are providing you with the attached consultation letter and revised Exhibit G map for your review and comments. Please note that comments are due on April 3, 2020. If you have any questions, please contact Kelly Maloney at Kelly.Maloney@brookfieldrenewable.com or Wendy Bley at Wendy.Bley@Kleinschmidtgroup.com.

Thank you,

Faith Wintle

Project Coordinator

Kleinschmidt

Office: 207.487.3328 Ext. 1212

www.KleinschmidtGroup.com

From: [Maloney, Kelly](#)
To: [Wendy Bley](#)
Cc: [Deluca, Ernest](#); [Murphy, Kyle](#); [Anderson, Luke](#); [Kessel, Miranda](#)
Subject: FW: Lewiston Falls Project (P-2302)
Date: Monday, March 9, 2020 12:26:29 PM
Attachments: [image001.jpg](#)

From: Vogel, Jim <Jim.Vogel@maine.gov>
Sent: Monday, March 09, 2020 12:07 PM
To: Maloney, Kelly <Kelly.Maloney@brookfieldrenewable.com>
Cc: Petruska, Liz <Liz.Petruska@maine.gov>
Subject: RE: Lewiston Falls Project (P-2302)

Hello Kelly:

The Bureau has reviewed the proposed Project boundary revision and has no concerns with the proposal.

Thank you for the opportunity to comment.

James Vogel
Senior Planner, Bureau of Parks and Lands
18 Elkins Lane, Harlow Building
22 State House Station
Augusta, Maine 04333-0022
Direct Telephone: Office 207.287.2163
Cell phone: 207.841.3427
www.state.me.us/doc/parks/index.html

From: Faith Wintle <Faith.Wintle@KleinschmidtGroup.com>
Sent: Wednesday, March 04, 2020 11:33 AM
Cc: Wendy Bley <Wendy.Bley@Kleinschmidtgrou.com>; Teta Jungels <Teta.Jungels@KleinschmidtGroup.com>
Subject: Lewiston Falls Project (P-2302)

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Good Day,

Brookfield White Pine Hydro, LLC (BWPH) is applying to the Federal Energy Regulatory Commission (FERC) for a non-capacity amendment of license for its Lewiston Falls Project (Project), a major existing water power project over 5 megawatts (MW) located on the Androscoggin River in Lewiston, Maine. In 2017, the Project license was amended to remove the Lewiston canal system. Now BWPH is proposing to revise the Project boundary to remove lands and waters not necessary for Project purposes that are remnant of the previous Project description, inclusive of the canal system. We are

providing you with the attached consultation letter and revised Exhibit G map for your review and comments. Please note that comments are due on April 3, 2020. If you have any questions, please contact Kelly Maloney at Kelly.Maloney@brookfieldrenewable.com or Wendy Bley at Wendy.Bley@Kleinschmidtgroup.com.

Thank you,

Faith Wintle
Project Coordinator



Office: 207.487.3328 Ext. 1212
www.KleinschmidtGroup.com

Document Content(s)

P-2302 Lewiston Falls PB Amendment Application-FINAL.PDF.....1-37

LEWISTON CITY COUNCIL

MEETING OF MAY 12, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

Executive Session to discuss labor negotiations regarding the Lewiston Police Supervisory Command Unit.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EVAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the Lewiston Police Supervisory Command Unit.