

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
SEPTEMBER 20, 2011**

**5:30 p.m. Workshop**

- A. Update from the School Superintendent on school facilities plan - 60 minutes
- B. Demonstration of new city website - 30 minutes

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

Pledge of Allegiance to the Flag.  
Moment of Silence.

Update from the Lewiston Youth Advisory Council

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 5.

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

- \* 1. Appointment to the Lewiston Housing Authority Board of Commissioners.
- \* 2. Request for the use of city services for The Dempsey Challenge.

**REGULAR BUSINESS:**

- 3. Public Hearing on an application from the Lewiston Public Works Department, 424-482 River Road, for an Automobile Graveyard/Junkyard permit.
- 4. Public Hearing on an application from Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street, for an Automobile Graveyard/Junkyard permit.
- 5. Public Hearing on an application from Dana's Garage, 193 Crowley Road, for an Automobile Graveyard/Junkyard permit.
- 6. Public Hearing on an application from Grimmel's Industries, 50 River Road, for an Automobile Graveyard/Junkyard permit.
- 7. Public Hearing on an application from K.T.I. Bio Fuels, L.P., 38 Alfred A. Plourde Parkway for an Automobile Graveyard/Junkyard permit.
- 8. Public Hearing and Final Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the Electrical Code.
- 9. Public Hearing and Final Passage regarding an amendment to the Fire Prevention and Protection ordinance.
- 10. Public Hearing and Final Passage regarding an amendment to the Offenses and Miscellaneous ordinance regarding Fire Department supervision at public gatherings.

11. Resolve- Authorizing the Transfer of \$600,000 for facilities projects at the School Department.
12. Order - Authorizing the City Administrator to execute an Interlocal Agreement with Androscoggin County and the City of Auburn for Emergency Management.
13. Reports and Updates.
14. Any other City Business Councilors or others may have relating to Lewiston City Government.
15. Executive Session to discuss labor negotiations regarding the Maine Association of Police - Patrol Unit.
16. Executive Session to discuss Real Estate negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position the City.

**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 20, 2011**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Appointment to the Lewiston Housing Authority Board of Commissioners.

**INFORMATION:**

There is one opening on the Lewiston Housing Authority Board of Commissioners. The Mayor is recommending the following reappointment to the Lewiston Housing Authority Board of Commissioners:

1) Fernand M. Rodrigue, 16 Deforge Street

This is a five year appointment.

James Dowling, Executive Director of the Housing Authority, endorses these appointments. These appointments do require Council confirmation.

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

Appointments to Boards and Committees are a policy decision of the Council.

*ERB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To confirm the Mayor's nomination and to appoint the following resident as a member of the Board of Commissioners of the Lewiston Housing Authority:

Fernand M. Rodrigue of 16 Deforge Street (term to expire September 17, 2016)

16 Deforge Street  
Lewiston, ME 04240

August 29, 2011

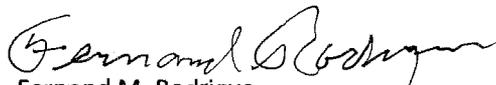
Mayor Larry Gilbert  
City Hall  
Park and Pine Street  
Lewiston, ME 04240

Dear Mayor Gilbert

I have been on the Board of Commissioner for the Lewiston Housing Authority for the past twenty years. It now time for reappointment to that position and I am asking to be reappointed to the Board. I have been chairperson of the board for several years and look forward to continuing the work the Housing Authority is involved in.

Please let this letter serve as my official request for reappointment to the Board of Commissioners of the Lewiston Housing Authority. If you have any questions, please feel free to contact me at 783-0876.

Sincerely,



Fernand M. Rodrigue  
LHA Chairperson



August 30, 2011

The Honorable Laurent F. Gilbert, Sr.  
Mayor of Lewiston  
City Building  
27 Pine Street  
Lewiston, Maine 04240

Dear Mayor Gilbert:

I am writing to request that you reappoint Fernand Rodrigue to the Board of Commissioners of the Lewiston Housing Authority when his term expires on September 17, 2011. Since his appointment in 1991, Fern has held leadership positions on the Board and has served as Chairperson since October, 2004. He is also President of our two affiliated not for profit corporations.

Fern has been a consistent supporter of partnerships to accomplish development projects of benefit to the community. Most recently he has been a strong advocate of our Healy Terrace project which will create 32 units of affordable housing for the elderly in Lewiston's downtown. He has supported the use of Project Based Vouchers in other downtown affordable housing developments as well. The depth of his knowledge of local affairs and HUD programs has made him a tremendous asset in guiding Housing Authority policy.

In addition to his local service, Fern has advocated for the Authority and its residents at the regional and national levels as well, by serving on the Commissioner's Committees of the National Association of Housing and Redevelopment Officials and its New England Regional Council. He has given presentations at several national and regional housing conferences.

I know that Fern would welcome the opportunity to continue his service to Lewiston Housing Authority and the community. I would be happy to discuss this appointment with you at your convenience.

Sincerely,

  
James R. Dowling  
Executive Director

**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 20, 2011**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Request for the use of city services for The Dempsey Challenge.

**INFORMATION:**

The Dempsey Challenge is now an annual event that will be held in Lewiston. This year's event will be held on October 8 and 9 in Simard-Payne Police Memorial Park. The Challenge is a fundraising event with a road race and a bike race. The coordinators have been working with city departments regarding the logistics for the event. This agenda item is their request for the use of city services for the event. This request is similar to ones received for the Liberty Festival, Balloon Festival and the like.

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

The City Administrator recommends support of the requested action.

*EAB/Kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the request for the use of city services for The Dempsey Challenge to be held on October 8 and 9, 2011, at the Simard-Payne Police Memorial Park.

# Dempsey Challenge 2011

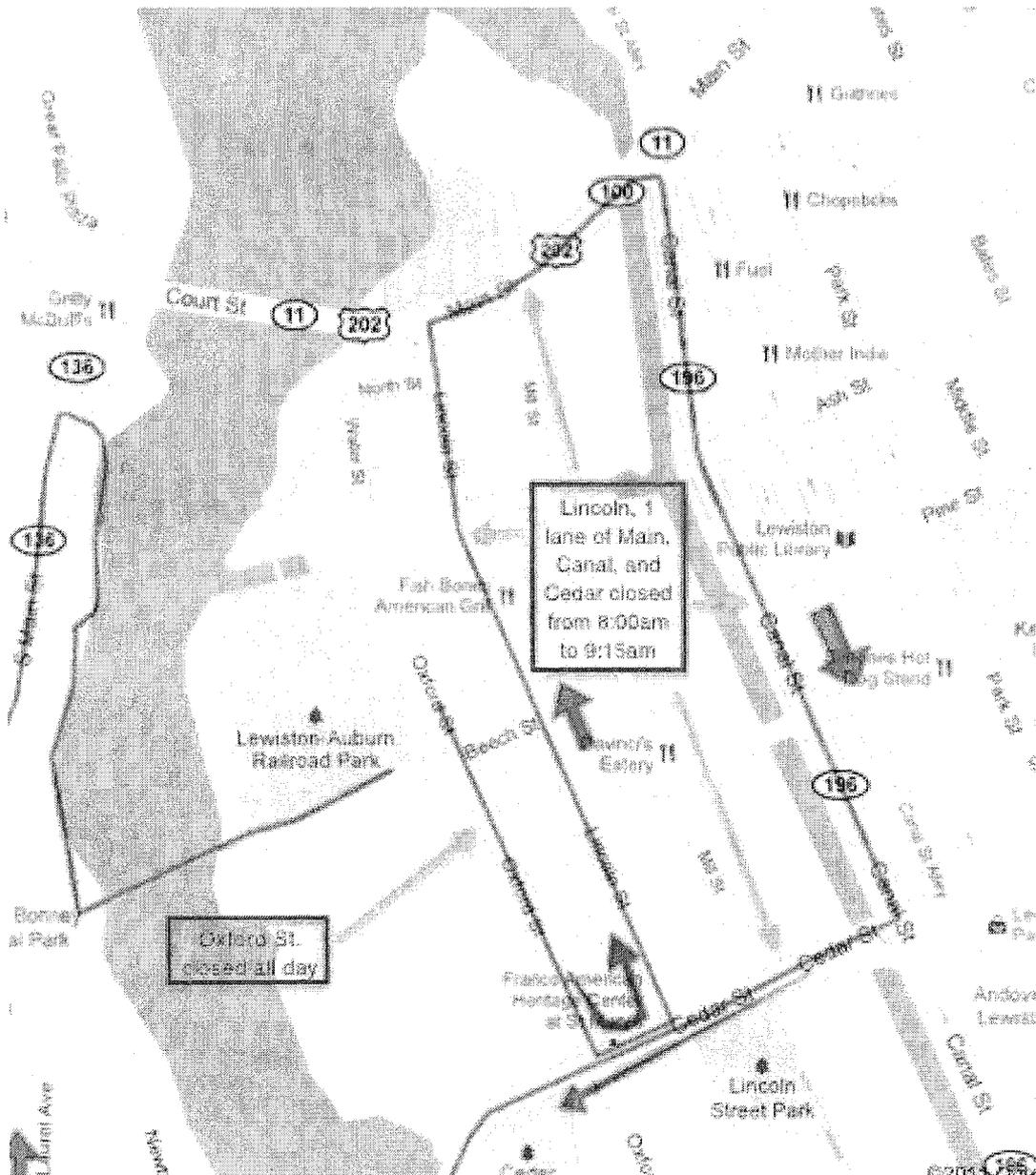
## Lewiston Road Closure Requests:

### Friday, October 7 – Dempsey set up

- Closure of Oxford St – 10/7 @ 4:00pm thru 10/9 @ 7:00pm

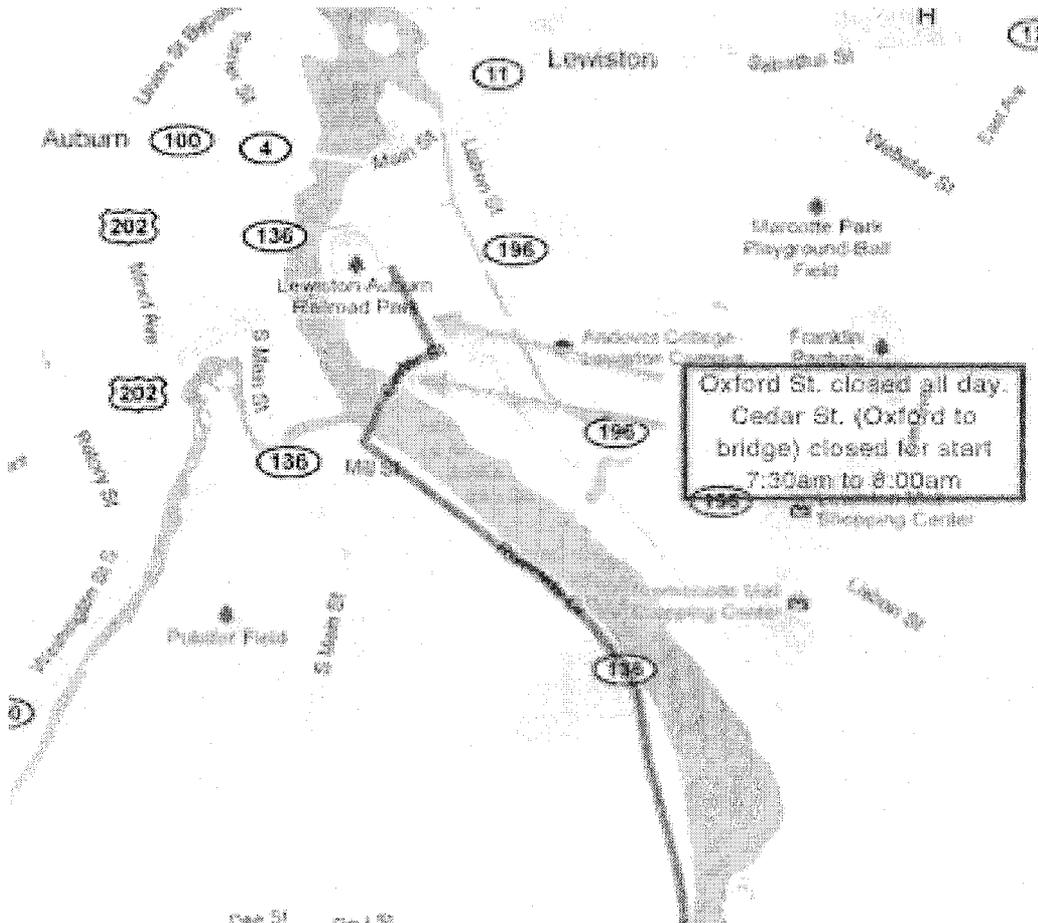
### Saturday, October 8 – Dempsey 5K and 10K

- Closure of Lincoln (from Cedar to Main) – 8:00am to 9:15am
- Closure of far south lane of Main St. (Lincoln to Canal) – 8:00am to 9:15am
- Closure of Canal (Main to Cedar) – 8:00am to 9:15am
- Closure of Cedar and Bernard Lown Peace Bridge – 8:00am to 9:50am



## Sunday, October 9 – Dempsey Bike Ride

- Brief closure during start to help get large groups of cyclist out of town. Requesting closure of Cedar St and Bernard Lown Peace Bridge – 7:30am to 8:00am



### Additional Request:

- Free use of several parking garages on Fri/Sat/Sun October 7-9 for Dempsey participants and volunteers. Not requesting exclusive use, just free parking.

- Garages Requested:

- New Garage on Lincoln and Main
- Garage on Lincoln and Chestnut
- Garage on Canal and Ash

- This also benefits locals that have been displaced by our closure of Oxford St. and our take over of the Roy Continental Mills lot.

**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 20, 2011**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Public Hearing on an application from the Lewiston Public Works Department, 424-482 River Road, for an Automobile Graveyard/Junkyard permit.

**INFORMATION:**

Lewiston Public Works Department, 424-482 River Road, is requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

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

The City Administrator recommends approval of the requested action.

*EAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to the Lewiston Public Works Department, 424-482 River Road.

**CITY OF LEWISTON  
RENEWAL APPLICATION  
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: 8-16-2011

PUBLICATION FEE: \$25.00 LICENSE FEE: \$50.00

LICENSE EXPIRES: September 30, 2012

PUBLIC HEARING DATE: SEPTEMBER 20, 2011

NAME OF BUSINESS City of Lewiston, Public Works

BUSINESS ADDRESS 424-482 River Road

CITY/STATE Lewiston, Maine

BUSINESS TELEPHONE (207) 513-3003

NAME OF OWNER(S) David A. Jones, P.E. Director, Public Works  
Robert Stafford

CONTACT PERSON/GENERAL MANAGER Solid Waste Superintendent

HOME ADDRESS 103 Adams Ave.

CITY/STATE Lewiston, ME

HOME TELEPHONE (207) 513-3003

**CITY & STATE REGULATIONS**

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard City of Lewiston, Solid Waste Facility  
424-482 River Rd., Lewiston, Maine  
(Street address)

How is yard "screened" - Fence? (Type) Chain Link w/ slats Height? 10'

Trees? (Type) White Pine/Spruce Embankment? 8' Berm

Gully? \_\_\_\_\_ Hill? \_\_\_\_\_ Other? Building

How far is edge of "yard" from center of highway? 480 LF

Can junk be seen from any part of highway? Yes \_\_\_\_\_ No X

Was junkyard law, requirements and fees explained to you?

Yes X No \_\_\_\_\_

When was last permit issued? September 30, 2010

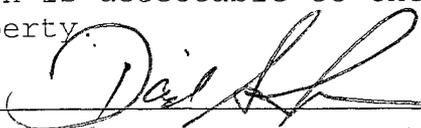
To whom? \_\_\_\_\_

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

- Tires - Recycled
- Batteries - Recycled
- Waste Oil - Recycled
- Other items - not accepted

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY 

FOR City of Lewiston, Dept. of Public Works  
(Name of Company, corporation, partnership or individual)

# Lewiston Fire Department



Paul M. LeClair  
Fire Chief

Bruce McKay  
Assistant Chief



August 29, 2011

Kelly Mercier  
Deputy City Clerk  
City Clerk's Office  
27 Pine St.  
Lewiston, ME 04240

**RE: Lewiston Public Works Dept. Auto Graveyard / Junkyard 2011 Permit**

Dear Kelly,

I have no issues or concerns regarding **Lewiston Public Works Dept. Auto Graveyard / Junkyard** located at **424-482 River Road** at this time that prohibits the issuance of their city permit.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Ouellette".

Paul Ouellette  
Fire Inspector / Certified Fire Investigator  
Lewiston Fire Prevention Bureau

Paul / General Files / 2011 Letters / Lewiston Public Works Dept. Auto Graveyard / Junkyard 2011 Letter / Msw



**POLICE DEPARTMENT**

Michael Bussiere  
Chief of Police



TO: Kelly J. Mercier, Deputy City Clerk  
FROM: Lt. Mark S. Cornelio, Lewiston PD *MSC/JS*  
REF: Automobile Graveyard/Junkyard Permits (Renewals)  
DATED: August 22, 2011

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

**Public Works Department, 424-482 River Road**



# CITY OF LEWISTON

## *Planning & Code Enforcement*



**TO:** City Clerks  
**FROM:** David Hediger, City Planner  
**SUBJECT:** Automobile Graveyard/Junkyard Permits  
**DATE:** 9/12/11

Planning and Code Enforcement staff has inspected the following property for renewal of their license with the following recommendations:

**Public Works Department-424-482 River Road:** This facility is in substantial compliance with the City's requirements and it is recommended that the license is granted.

**PUBLIC NOTICE**  
**CITY OF LEWISTON**

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on ***Tuesday, September 20, 2011***, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

KTI Bio Fuels, L.P., 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine

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

**PUBLISH ON: Monday, September 12, 2011**

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 20, 2011

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Public Hearing on an application from Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street, for an Automobile Graveyard/Junkyard permit.

**INFORMATION:**

Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street are requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

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

The City Administrator recommends approval of the requested action.

*EAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street.

**CITY OF LEWISTON  
RENEWAL APPLICATION  
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: \_\_\_\_\_

PUBLICATION FEE: \$25.00 LICENSE FEE: \$50.00

LICENSE EXPIRES: September 30, 2012

PUBLIC HEARING DATE: SEPTEMBER 20, 2011

NAME OF BUSINESS Gary St. Laurent / Maine Heavy Equipment Rental Inc

BUSINESS ADDRESS 1445 Sabattus St.

CITY/STATE Lewiston, ME 04240

BUSINESS TELEPHONE 207 784-7944

NAME OF OWNER(S) Gary R. St. Laurent

CONTACT PERSON/GENERAL MANAGER Gary R. St. Laurent

HOME ADDRESS 160 Pinewoods Rd

CITY/STATE Lewiston, ME 04240

HOME TELEPHONE (207) 784-7944

**CITY & STATE REGULATIONS**

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard 1445 Sabattus St.

Lewiston, ME  
(Street address)

How is yard "screened" - Fence? (Type) \_\_\_\_\_ Height? \_\_\_\_\_

Trees? (Type) Pine Embankment? \_\_\_\_\_

Gully? \_\_\_\_\_ Hill? \_\_\_\_\_ Other? \_\_\_\_\_

How far is edge of "yard" from center of highway? 600 yards

Can junk be seen from any part of highway? Yes \_\_\_\_\_ No

Was junkyard law, requirements and fees explained to you?

Yes  No

When was last permit issued? 2010

To whom? Gary R. St. Laurent

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

Tires & batteries are sold and disposed of at a  
dedemption yard. All fluids are not allowed on  
the premises - including fuel tanks.

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY \_\_\_\_\_

FOR Gary R. St. Laurent / Maine Heavy Equipment Rental Inc.  
(Name of Company, corporation, partnership or individual)

# Lewiston Fire Department



Paul M. LeClair  
Fire Chief

Bruce McKay  
Assistant Chief



August 29, 2011

Kelly Mercier  
Deputy City Clerk  
City Clerk's Office  
27 Pine St.  
Lewiston, ME 04240

**RE: Gary St. Laurent / Heavy Equipment – Auto Graveyard/ Junkyard 2011 Permit**

Dear Kelly,

I have no issues or concerns regarding **Gary St. Laurent / Heavy Equipment Auto Graveyard / Junkyard** located at **1445 Sabattus St.** at this time that prohibits the issuance of their city license provided that they re-grade the rain washed-out fire department access road.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Ouellette".

Paul Ouellette  
Fire Inspector / Certified Fire Investigator  
Lewiston Fire Prevention Bureau

Paul / General Files / 2011 Letters / Gary St. Laurent / Heavy Equipment Auto Graveyard / Junkyard 2011 Letter / Msw



## ***POLICE DEPARTMENT***

Michael Bussiere  
Chief of Police



TO: Kelly J. Mercier, Deputy City Clerk  
FROM: Lt. Mark S. Cornelio, Lewiston PD *MSC 120*  
REF: Automobile Graveyard/Junkyard Permits (Renewals)  
DATED: August 22, 2011

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

**Gary St. Laurent/ Maine Heavy Equipment, 1445 Sabattus Street**



# CITY OF LEWISTON

## *Planning & Code Enforcement*



**TO:** City Clerks  
**FROM:** David Hediger, City Planner  
**SUBJECT:** Automobile Graveyard/Junkyard Permits  
**DATE:** 9/12/11

Planning and Code Enforcement staff has inspected the following property for renewal of their license with the following recommendations:

**Gary St. Laurent/Maine Heavy Equipment-1445 Sabattus Street:** This facility is in substantial compliance with the City's requirements and it is recommended that the license is granted.

**PUBLIC NOTICE**

**CITY OF LEWISTON**

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on *Tuesday, September 20, 2011*, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

KTI Bio Fuels, L.P., 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine

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

**PUBLISH ON: Monday, September 12, 2011**

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 20, 2011

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Public Hearing on an application from Dana's Garage, 193 Crowley Road, for an Automobile Graveyard/Junkyard permit.

**INFORMATION:**

Dana's Garage, 193 Crowley Road, is requesting renewal of a Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

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

The City Administrator recommends approval of the requested action.

*EAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to Dana's Garage, 193 Crowley Road, subject to the condition that no more than 1,000 tires may be stored on the property.

**CITY OF LEWISTON  
RENEWAL APPLICATION  
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: \_\_\_\_\_

PUBLICATION FEE: \$25.00 LICENSE FEE: \$50.00

LICENSE EXPIRES: September 30, 2012

PUBLIC HEARING DATE: SEPTEMBER 20, 2011

NAME OF BUSINESS DANA'S GARAGE & USED PARTS

BUSINESS ADDRESS 193 CROWLEY ROAD

CITY/STATE LEWISTON, ME 04240

BUSINESS TELEPHONE 207-782-0977

NAME OF OWNER(S) NORMAN JALBERT

CONTACT PERSON/GENERAL MANAGER NORMAN JALBERT

HOME ADDRESS 199 CROWLEY ROAD

CITY/STATE LEWISTON, ME 04240

HOME TELEPHONE 207-7821143

**CITY & STATE REGULATIONS**

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard 193 CROWLEY ROAD

LEWISTON, ME 04240

(Street address)

How is yard "screened" - Fence? (Type) TREES Height? \_\_\_\_\_

Trees? (Type) SOFT & HARDWOOD Embankment? \_\_\_\_\_

Gully? \_\_\_\_\_ Hill?  Other? \_\_\_\_\_

How far is edge of "yard" from center of highway? 500 YARDS

Can junk be seen from any part of highway? Yes \_\_\_\_\_ No

Was junkyard law, requirements and fees explained to you?

Yes  No

When was last permit issued? 2010

To whom? \_\_\_\_\_

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

FUEL TANK BATTERIES GAINMERS INC. ENGINE COOLANT  
AND OTHER LUBRICANT ENGINE OIL TRANS FLUID BRAKE FLUID  
CLEAN HARBOR. TIRES TO BPS WASTE DISPOSAL INC.

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY Norman Jalbert

FOR PANA'S GARAGE & USED PARTS  
(Name of Company, corporation, partnership or individual)

# Lewiston Fire Department



Paul M. LeClair  
Fire Chief

Bruce McKay  
Assistant Chief



August 29, 2011

Kelly Mercier  
Deputy City Clerk  
City Clerk's Office  
27 Pine Street  
Lewiston ME 04240

**RE: 193 Crowley Rd., Dana's Garage Auto Grave Yard 2011 Permit**

Dear Kelly,

With regards to **Dana's Auto Grave Yard located at 193 Crowley Rd.** I have no issues or concerns issuing the city Auto Graveyard /Junkyard permit provided that he re-grades the rain washed-out fire department access road.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Ouellette".

Paul Ouellette  
Fire Inspector / Certified Fire Investigator  
Lewiston Fire Prevention Bureau

Paul / General Files / 2011 Letters / Dana's Garage Graveyard-Junkyard 2011 Letter / Msw



**POLICE DEPARTMENT**

Michael Bussiere  
Chief of Police



TO: Kelly J. Mercier, Deputy City Clerk  
FROM: Lt. Mark S. Cornelio, Lewiston PD *MSC 1/20*  
REF: Automobile Graveyard/Junkyard Permits (Renewals)  
DATED: August 22, 2011

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

**Dana's Garage, 193 Crowley Road**



# *CITY OF LEWISTON*

## *Planning & Code Enforcement*



**TO:** City Clerks  
**FROM:** David Hediger, City Planner  
**SUBJECT:** Automobile Graveyard/Junkyard Permits  
**DATE:** 9/12/11

Planning and Code Enforcement staff has inspected the following property for renewal of their license with the following recommendations:

**Dana's Garage-193 Crowley Road:** This facility is in substantial compliance with the City's requirements and it is recommended that the license is granted.

**PUBLIC NOTICE**  
**CITY OF LEWISTON**

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Grimmel's Industry, 50 River Road

KTI Bio Fuels, L.P., 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine

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**PUBLISH ON: Monday, September 12, 2011**

**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 20, 2011**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Public Hearing on an application from Grimmel's Industries, 50 River Road, for an Automobile Graveyard/Junkyard permit.

**INFORMATION:**

Grimmel's Industries, 50 River Road is requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

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

The City Administrator recommends approval of the requested action.

*EAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to Grimmel's Industries, 50 River Road, subject to the following conditions:

1. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Saturday.
2. Maintain screening from the Maine Turnpike.

**CITY OF LEWISTON  
RENEWAL APPLICATION  
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: 8-22-2011

PUBLICATION FEE: \$25.00 LICENSE FEE: \$50.00

LICENSE EXPIRES: September 30, 2012

PUBLIC HEARING DATE: SEPTEMBER 20, 2011

NAME OF BUSINESS Grimmel Industries

BUSINESS ADDRESS 50 River Rd.

CITY/STATE Lewiston, Me.

BUSINESS TELEPHONE 784-6754

NAME OF OWNER(S) Gary + Betty Grimmel

CONTACT PERSON/GENERAL MANAGER Tim Garrity

HOME ADDRESS 14 Buttonwood Lane

CITY/STATE Lewiston, Me.

HOME TELEPHONE 784-6369

**CITY & STATE REGULATIONS**

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard 50 River Rd.

(Street address)

How is yard "screened" - Fence? (Type) Cyclone Height? 8'/11' Turnpike side

Trees? (Type) Pine Embankment? \_\_\_\_\_

Gully? \_\_\_\_\_ Hill? \_\_\_\_\_ Other? \_\_\_\_\_

How far is edge of "yard" from center of highway? \_\_\_\_\_

Can junk be seen from any part of highway? Yes \_\_\_\_\_ No \_\_\_\_\_

Was junkyard law, requirements and fees explained to you?

Yes X No \_\_\_\_\_

When was last permit issued? 2011

To whom? Same

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

We recycle Batteries + Tires, and cut in half Fuel Tanks. We Do not accept any Engine Fluids or Transmission Fluids

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY Cory A. P. Dall

FOR Grimmel Industries

(Name of Company, corporation, partnership or individual)

# Lewiston Fire Department



Paul M. LeClair  
Fire Chief

Bruce McKay  
Assistant Chief



August 29, 2011

Kelly Mercier  
Deputy City Clerk  
City Clerk's Office  
27 Pine Street  
Lewiston ME 04240

**RE: 50 River Road, Grimmel's Auto Grave Yard / Junkyard 2011 Permit**

Dear Kelly:

I have no issues or concerns regarding **Grimmel's Auto Graveyard / Junkyard** located at **50 River Rd.** at this time that prohibits the issuance of their city permit.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Ouellette".

Paul Ouellette  
Fire Inspector / Certified Fire Investigator  
Lewiston Fire Prevention Bureau

Paul / General Files/ Letters / 2011 Letters / Grimmel's Junkyard - Graveyard 2011 Letter / Msw



**POLICE DEPARTMENT**

Michael Bussiere  
Chief of Police



TO: Kelly J. Mercier, Deputy City Clerk  
FROM: Lt. Mark S. Cornelio, Lewiston PD *MSC*  
REF: Automobile Graveyard/Junkyard Permits (Renewals)  
DATED: August 22, 2011

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

**Grimmel's Industry, 50 River Road**

# Grimmel's Industry, 50 River Road

Apt #	Year MM DD Time	Reason	Action	Call #	Vicinity
	2011 08 19 1520	POL-Harassment	Duplicate Incident	11-71410	N
	2011 08 19 1624	POL-Police Information	Cleared	11-71396	N
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	2011 04 11 1707	POL-Stolen Prop Recovery	Cleared	11-29963	N
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]



# *CITY OF LEWISTON*

## *Planning & Code Enforcement*



**TO:** City Clerks  
**FROM:** David Hediger, City Planner  
**SUBJECT:** Automobile Graveyard/Junkyard Permits  
**DATE:** 9/12/11

Planning and Code Enforcement staff has inspected the following property for renewal of their license with the following recommendations:

**Grimmel's Industry – 50 River Road:** This facility is in substantial compliance with the City's requirements and it is recommended that the license is granted.

**PUBLIC NOTICE**

**CITY OF LEWISTON**

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on ***Tuesday, September 20, 2011***, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

KTI Bio Fuels, L.P., 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine

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

***PUBLISH ON: Monday, September 12, 2011***

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 20, 2011

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Public Hearing on an application from K.T.I. Bio Fuels, L.P., 38 Alfred A. Plourde Parkway for an Automobile Graveyard/Junkyard permit.

**INFORMATION:**

K.T.I. Bio Fuels, Inc., 38 Alfred A. Plourde Parkway is requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

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

The City Administrator recommends approval of the requested action.

*EAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant Automobile Graveyard/Junkyard permit to K.T.I. Bio Fuels, Inc., 38 Alfred A. Plourde Parkway, subject to the attached conditions.

**K.T.I. Bio Fuels, Inc.:**

1. Permit is granted for storage of construction and demolition debris (CDD), wood waste (includes demolition debris) and oversized bulky waste (OBW). CDD and OBW will consist of wood waste, sheetrock, insulation, metal, wire, aggregate products, dirt, sand, furniture, rugs, plastics, roofing materials, cardboard and any other large burnable household goods. Unacceptable materials are units containing CFC's, universal waste, municipal solid waste (MSW), hazardous materials, asbestos, and medical waste.
2. All wood waste and OBW which is to be placed in storage shall be piled no higher than 30'.
3. The width and length of the piles will be sized as indicated on the plan view of the back yard, but shall be no wider than 90' and no longer than 150'.
4. There shall be no more than nine (9) piles of wood waste and OBW at any time. OBW will not exceed two (2) piles.
5. Access rows or fire lanes shall be maintained between piles with a minimum distance of 30' between piles.
6. The main entrance roadway must be kept at a minimum of 24' of travel way at all times.
7. An additional second access road, or fire lane at least 20' in width, from the main road, (Alfred A. Plourde Parkway) to the storage area must be maintained.
8. All roads and fire lanes on the facility shall be of all weather surface adequately constructed to support the heaviest piece of fire apparatus likely to be operated on the fire lane or road.
9. All storage pile locations be properly identified by the placement of a pole at the corner of the pile. A mark shall be placed at a height of 30' on the pole.
10. The site be designated no smoking throughout except office areas and control room. A sign shall be placed at the entrance to the facility designating the facility as no smoking.
11. Training of employees for use of fire protection equipment and reporting of fires shall be conducted.
12. KTI shall conduct a self-inspection of their activities. The self-inspections shall be performed on a weekly report submitted to Fire Prevention for review.
13. Pine trees be planted along the site perimeter to provide a buffer and dead and/or missing trees shall be replaced promptly.
14. That the processing of pressure treated wood be done in full compliance with all EPA & DEP regulations.

**CITY OF LEWISTON  
RENEWAL APPLICATION  
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: 7 SEP 11

PUBLICATION FEE: \$25.00 LICENSE FEE: \$50.00

LICENSE EXPIRES: September 30, 2012

~~PUBLIC HEARING DATE: SEPTEMBER 20, 2011~~

NAME OF BUSINESS KTI BIO FUELS, INC.

BUSINESS ADDRESS 38 ALFRED PLOURDE PARKWAY

CITY/STATE LEWISTON, ME 04240

BUSINESS TELEPHONE 207-783-2941

NAME OF OWNER(S) KTI BIO FUELS, INC.

CONTACT PERSON/GENERAL MANAGER DAN EMERSON

HOME ADDRESS 22 BOWDENS WAY

CITY/STATE WINDHAM, ME 04062

HOME TELEPHONE 207-894-5348

**CITY & STATE REGULATIONS**

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard \_\_\_\_\_

38 ALFRED PLOURDE PARKWAY

(Street address)

How is yard "screened" Fence? (Type) WOOD Height? 15'

Trees? (Type) WHITE PINE Embankment? EARTHEN BERM

Gully? \_\_\_\_\_ Hill? \_\_\_\_\_ Other? \_\_\_\_\_

How far is edge of "yard" from center of highway? 300'±

Can junk be seen from any part of highway? Yes X No \_\_\_\_\_

Was junkyard law, requirements and fees explained to you?

Yes X No \_\_\_\_\_

When was last permit issued? SEPTEMBER 2010

To whom? KTI BIO-FUELS, INC.

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

APPLICANT IS A WOOD WASTE PROCESSING FACILITY  
A DOES NOT SOLICIT NOR ACCEPT THE MATERIALS  
LISTED ABOVE

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY  Brian Oliver

FOR KTI BIO FUELS, INC.  
(Name of Company, corporation, partnership or individual)

# Lewiston Fire Department



Paul M. LeClair  
Fire Chief

Bruce McKay  
Assistant Chief



August 29, 2011

Kelly Mercier  
Deputy City Clerk  
City Clerk's Office  
27 Pine St.  
Lewiston, ME 04240

**RE: KTI 38 Alfred Plourde Parkway Auto Graveyard / Junkyard 2011 Permit**

Dear Kelly,

I have no issues or concerns regarding **KTI Bio Fuels** located at **38 Alfred Plourde Parkway** at this time that prohibits the issuance of their city license.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Ouellette".

Paul Ouellette  
Fire Inspector / Certified Fire Investigator  
Lewiston Fire Prevention Bureau

Paul / General Files / 2011 Letters / KTI Auto Graveyard / Junkyard 2011 Letter / Msw



**POLICE DEPARTMENT**

Michael Bussiere  
Chief of Police



TO: Kelly J. Mercier, Deputy City Clerk  
FROM: Lt. Mark S. Cornelio, Lewiston PD *MSC*  
REF: Automobile Graveyard/Junkyard Permits (Renewals)  
DATED: August 22, 2011

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

**KTI Bio Fuels Inc., 38 Alfred A. Plourde Pkwy**



# *CITY OF LEWISTON*

## *Planning & Code Enforcement*



**TO:** City Clerks  
**FROM:** David Hediger, City Planner  
**SUBJECT:** Automobile Graveyard/Junkyard Permits  
**DATE:** 9/12/11

Planning and Code Enforcement staff has inspected the following property for renewal of their license with the following recommendations:

**KTI Bio Fuels Inc. – 38 Alfred A Plourde Parkway:** This facility is in substantial compliance with the City's requirements and it is recommended that the license is granted.

**PUBLIC NOTICE**

**CITY OF LEWISTON**

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on *Tuesday, September 20, 2011*, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

KTI Bio Fuels, L.P., 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine

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

**PUBLISH ON: Monday, September 12, 2011**

**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 20, 2011**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 8**

**SUBJECT:**

Public Hearing and Final Passage regarding an amendment to the Buildings and Building Regulations ordinance regarding the Electrical Code.

**INFORMATION:**

The City's Planning and Code Enforcement Department is recommending the repeal of the City's currently adopted Electrical Code. Currently, the City has adopted the 2005 edition as the local code. State law is now requiring that all electrical installations in the state follow the 2011 edition of the National Electrical Code and City staff is recommending changes to the City Code of Ordinances to reflect this new requirement.

**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
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That the proposed amendments to the City Code of Ordinances, Chapter 18 "Buildings and Building Regulations", Article V, "Electrical Code", receive final passage by a roll call vote.

# MEMORANDUM

TO: Mayor Laurent F. Gilbert  
Members of the City Council

FR: Gildace J. Arsenault, Director of Planning and Code Enforcement

RE: Adoption of National Electrical Code, 2011 Edition

DT: August 31, 2011

Effective July 1, 2011, all installations of electrical equipment in the State of Maine must comply with the amended version of the 2011 Edition of the National Electrical Code as adopted by the State of Maine Electricians' Examining Board. Therefore, staff has prepared the necessary amendments to Chapter 18, Article V of the Code of Ordinances of the City of Lewiston for the adoption of the 2011 Edition of the National Electrical Code as amended. In addition, staff proposes a change to a permitting provision of Chapter 18 (Section 18-141(e)) as it relates to the installation telephone and related equipment in order to be consistent with State of Maine Electricians Examining Board rules.

I will be in attendance at your September 6<sup>th</sup> public hearing on this matter to answer any questions you may have.

Thank you.

## AN ORDINANCE PERTAINING TO THE ELECTRICAL CODE

### THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 18 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

#### CHAPTER 18

#### ARTICLE V. ELECTRICAL CODE

#### DIVISION 3. PERMITS AND INSPECTIONS

##### Sec. 18-141. Permit required; exceptions.

(a) No electrical wiring, devices, appliances or equipment shall be installed within or on any building, structure or premises nor shall alterations or additions be made in any such existing wiring, devices, appliances or equipment without first securing a permit therefore from the electrical inspector, except as otherwise provided in this division.

(b) No permit shall be required for the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed. A "suitable receptacle" is hereby defined as one having the proper wiring and capacity to fulfill the electrical requirements of the portable device.

(c) No permit shall be required for the installation, alteration or repair of wiring, devices, appliances or equipment for the operation of signals or the transmission of intelligence through the facilities of any duly chartered telephone, telegraph or radio company.

(d) No permit shall be required for the installation, alteration or repairing of electric wiring, devices, appliances and equipment installed by a public utility for the use of such public utility in the generation, transmission, distribution or metering of electrical energy; nor for the work of such utilities in installing, maintaining and repairing on the premises of customers, service connections, meters and other apparatus and appliances remaining the property of such utilities after installation; nor for work by a public utility in connection with the lighting of public or private ways, alleys, parks or squares.

~~(e) No permit shall be required for the installation of telephone, telegraph, cable and closed-circuit television, data communication and sound equipment.~~

#### DIVISION 4. STANDARDS

##### Sec. 18-171. Installations.

All electrical installations shall be in conformity with the provisions of this article and the approved standards for safety to life and property. Unless otherwise provided by this article, conformity with NFPA 70 (National Fire Protection Association), National Electrical Code, 2011 2005-Edition shall be deemed as conforming with approved standards for safety to life and property with the following amendments:-

### 200.6 Means of Identifying Grounded Conductors.

(D) **Grounded Conductors of Different Systems.** Where grounded conductors of different systems are installed in the same raceway, cable box, auxiliary gutter, or other type of enclosure, each grounded conductor shall be identified by system. Identification that distinguishes each system grounded conductor shall be permitted by one of the following means:

- (1) One system grounded conductor shall have an outer covering conforming to 200.6(A) or 200.6(B).
- (2) The grounded conductor(s) of other systems shall have a different outer covering conforming to 200.6(A) or 200.6(B) or by an outer covering of white or gray with a readily distinguishable colored strip other than green running along the insulation.
- (3) Other and different means of identification as allowed by 200.6(A) or (B) that will distinguish each system grounded conductor.

The means of identification ~~shall be documented in a manner that is readily available or~~ shall be permanently posted where the conductors of different systems originate.

### 210.5 Identification for Branch Circuits.

(C) **Identification of Underground Conductors.** Underground conductors shall be identified in accordance with 210.5(C)(1), (2) and (3).

(3) **Posting of Identification Means.** The method utilized for conductors originating within each branch-circuit panelboard or similar branch-circuit distribution equipment ~~shall be documented in a manner that is readily available or~~ shall be permanently posted at each branch-circuit panelboard or similar branch-circuit distribution equipment.

### 215.12 Identification of Feeders.

(C) **Ungrounded Conductors.** Where the premises wiring system has feeders supplied from more than one nominal voltage system, each ungrounded conductor of a feeder shall be identified by phase or line and system at all termination, connection, and splice points. The means of identification shall be permitted to be by separate color coding, marking tape, tagging, or other approved means. The method utilized for conductors originating within each feeder panelboard or similar feeder distribution equipment ~~shall be documented in a manner that is readily available or~~ shall be permanently posted at each feeder panelboard or similar feeder distribution equipment.

### 334.10 Uses Permitted

- (3) Other structures permitted to be of Types III, IV, and V construction except as prohibited in 334.12. ~~Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire rated assemblies.~~

**334.12 Uses Not Permitted.**

**(A) Types NM, NMC, and NMS cables shall not be permitted as follows:**

- (2) ~~Exposed in dropped or suspended ceilings I other than one and two family and multifamily dwellings~~

**338.12 Uses Not Permitted.**

**(B) Underground Service-Entrance Cable.**

- (1) For interior wiring of branch circuits and feeders originating and terminating within the same building.
- (2) For aboveground installations except where USE cable emerges from the ground and is terminated in an enclosure at ~~an outdoor~~ a location acceptable to the Authority Having Jurisdiction and the cable is protected in accordance with 300.5(D).

**702.4 Capacity and Rating.**

**(B) System Capacity.**

- (2) **Automatic Transfer Equipment.** For other than single-family dwellings, where automatic transfer equipment is used, an optional standby system shall comply with (2)(a) or (2)(b).

**LEGAL AD**

**PUBLIC HEARING NOTICE  
CITY OF LEWISTON  
PROPOSED ORDINANCE AMENDMENTS**

Public hearings on the following ordinance amendments, for passage on first reading, will be held in the Council Chambers, City Building, on **Tuesday, September 6, 2011, at 7:00pm**, or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said ordinance adoption.

**FIRE PREVENTION AND PROTECTION ORDINANCE**

This amendment involves the adoption of the amended version of the 2009 National Fire Prevention Association 101 Life Safety Code and the repeal of the 2003 edition of the Code.

**OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE**

This amendment formalizes the authorization for the Fire Chief to require fire guard personnel at public gatherings.

**BUILDINGS AND BUILDING REGULATIONS ORDINANCE**

This amendment is for the adoption of the amended version of the 2011 Edition of the National Electrical Code.

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

Kathleen M. Montejo, MMC  
City Clerk

**LEGAL AD - SUN JOURNAL - Thursday, Sept 1, 2011**

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise  
FROM: Lewiston City Clerk's Office 784-2959 fax

Thank you.

Please bill the City Clerk's Dept account.

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 20, 2011

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 9**

**SUBJECT:**

Public Hearing and Final Passage regarding an amendment to the Fire Prevention and Protection ordinance.

**INFORMATION:**

Recently, the 2009 Edition of the National Fire Prevention Association (NFPA) Life Safety Code was adopted by the Maine State Fire Marshall's Office. The Fire Chief is recommending that Lewiston adopt this same version of the Code as well. This City is currently following an older version.

The Chief is also recommending the Lewiston City Code of Ordinances be reformatted a bit differently to better reflect cleaner language regarding each specific NFPA Code that is recognized by the State Fire Marshall's Office and the City of Lewiston. No other new editions or versions of Fire Codes are being adopted at this time, other than the Life Safety Code mentioned above. The changes are simply housekeeping in nature to have the other currently adopted Codes be easier to read and understand as laid out in the Lewiston Code book.

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

The City Administrator recommends approval of the requested action.



**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 38 "Fire Prevention and Protection", Article II, "Fire Prevention Code", Section 38-26 "Codes Adopted", receive final passage by a roll call vote.

# **Lewiston Fire Department**

**Central Fire Station**

**2 College Street • Lewiston, ME 04240**

# **Memo**

**To: Administrator Barrett**  
**From: Chief LeClair**  
**Date: August 29, 2011**  
**Re: Fire Prevention Code and Facility Use Policy**

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1) The 2009 Edition of the NFPA Life Safety Code has been adopted by the State Fire Marshall's Office. In addition to my recommending the adoption of the 2009 Life Safety Code, I am also proposing clearer language regarding each specific NFPA code recognized by the State and our City Code. Please see the attached Fire Prevention Code revision document.

2) I am also proposing revisions of the City Facility Use Policy extending the authority to the Fire Chief to assign Fire Guards. The proposed changes are included in the attached Facility Use Policy Document.

**AN ORDINANCE PERTAINING TO FIRE PREVENTION CODE**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

Chapter 38 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**CHAPTER 38**

**FIRE PREVENTION AND PROTECTION**

**ARTICLE II. FIRE PREVENTION CODE**

**Sec. 38-26. Codes adopted.**

(a) — For the purpose of protecting life and property against the hazards of fire and explosion, the city hereby adopts and enacts as codes of the city the 2006 Spring Revision Cycle of the National Fire Codes as promulgated by the National Fire Protection Association.

(b) — Nothing in subsection (a) shall be deemed to adopt any of the following listed standards as numbered and contained in the 2006 Spring Revision Cycle of the National Fire Code:

~~NFPA 12A, NFPA 13E, NFPA 31, NFPA 35, NFPA 36, NFPA 40, NFPA 42, NFPA 45, NFPA 52, NFPA 53, NFPA 61, NFPA 68, NFPA 69, NFPA 70, NFPA 70B, NFPA 70E, NFPA 73, NFPA 75, NFPA 76, NFPA 77, NFPA 79, NFPA 80A, NFPA 82, NFPA 85, NFPA 86, NFPA 88A, NFPA 90A, NFPA 90B, NFPA 91, NFPA 92A, NFPA 92B, NFPA 101A, NFPA 105, NFPA 111, NFPA 115, NFPA 120, NFPA 122, NFPA 130, NFPA 140, NFPA 150, NFPA 170, NFPA 204, NFPA 221, NFPA 225, NFPA 232, NFPA 241, NFPA 251, NFPA 252, NFPA 253, NFPA 255, NFPA 256, NFPA 257, NFPA 259, NFPA 260, NFPA 261, NFPA 262, NFPA 265, NFPA 268, NFPA 269, NFPA 270, NFPA 271, NFPA 274, NFPA 285, NFPA 286, NFPA 287, NFPA 288, NFPA 290, NFPA 291, NFPA 301, NFPA 302, NFPA 303, NFPA 306, NFPA 307, NFPA 312, NFPA 326, NFPA 329, NFPA 402, NFPA 403, NFPA 405, NFPA 407, NFPA 408, NFPA 410, NFPA 412, NFPA 414, NFPA 415, NFPA 422, NFPA 423, NFPA 424, NFPA 430, NFPA 432, NFPA 434, NFPA 450, NFPA 472, NFPA 473, NFPA 484, NFPA 490, NFPA 497, NFPA 498, NFPA 499, NFPA 501, NFPA 501A, NFPA 502, NFPA 505, NFPA 520, NFPA 550, NFPA 551, NFPA 555, NFPA 560, NFPA 600, NFPA 601, NFPA 610, NFPA 654, NFPA 655, NFPA 664, NFPA 701, NFPA 703, NFPA 704, NFPA 705, NFPA 720, NFPA 730, NFPA 731, NFPA 780, NFPA 801, NFPA 804, NFPA 805, NFPA 820, NFPA 850, NFPA 851, NFPA 853, NFPA 900, NFPA 901, NFPA 909, NFPA 914, NFPA 921, NFPA 1000, NFPA 1001, NFPA 1002, NFPA 1003, NFPA 1006, NFPA 1021, NFPA 1031, NFPA 1033, NFPA 1035, NFPA 1041, NFPA 1051, NFPA 1061, NFPA 1071, NFPA 1081, NFPA 1125, NFPA 1127, NFPA 1141, NFPA 1142, NFPA 1143, NFPA 1144, NFPA 1145, NFPA 1150, NFPA 1192, NFPA 1194, NFPA 1201, NFPA 1221, NFPA 1250, NFPA 1401, NFPA 1402, NFPA 1403, NFPA 1404, NFPA 1405, NFPA 1410, NFPA 1451, NFPA~~

1452, NFPA 1500, NFPA 1521, NFPA 1561, NFPA 1581, NFPA 1582, NFPA 1583, NFPA 1584, NFPA 1600, NFPA 1620, NFPA 1670, NFPA 1710, NFPA 1720, NFPA 1851, NFPA 1852, NFPA 1901, NFPA 1906, NFPA 1911, NFPA 1912, NFPA 1925, NFPA 1931, NFPA 1932, NFPA 1936, NFPA 1951, NFPA 1961, NFPA 1962, NFPA 1963, NFPA 1964, NFPA 1965, NFPA 1971, NFPA 1975, NFPA 1977, NFPA 1981, NFPA 1982, NFPA 1983, NFPA 1989, NFPA 1991, NFPA 1992, NFPA 1994, NFPA 1999, NFPA 2010, NFPA 2112, NFPA 2113, NFPA 5000.

(e) — The 2006 edition of the NFPA 101 Life Safety Code as promulgated by the National Fire Protection Association is hereby adopted and enacted.

(d) — Unvented fuel fired equipment shall not be installed or used. Nothing in subsection (e) shall be deemed to adopt any of the following listed standards as numbered and contained in the 2006 edition of the NFPA 101 Life Safety Code:

~~New Educational Occupancies, Section 14.5.2.2 Unvented fuel-fired heating equipment, other than gas space heaters in compliance with NFPA 54/ANSI Z223.1, National Fuel Gas Code shall be prohibited.~~

~~Existing Education Occupancies, Section 15.5.2.2 Unvented fuel fired heating equipment, other than gas space heaters in compliance with NFPA 54/ANSI Z223.1, National Fuel Gas Code shall be prohibited.~~

~~New Day Care Occupancies, Section 16.5.2.2 Unvented fuel-fired equipment, other than gas space heaters in compliance with NFPA 54/ANSI Z223.1, National Fuel Gas Code, shall be prohibited.~~

~~Existing Day Care Occupancies, Section 17.5.2.2 Unvented fuel-fired equipment, other than gas space heaters in compliance with NFPA 54/ANSI Z223.1, National Fuel Gas Code, shall be prohibited.~~

~~Lodging or Rooming Houses, Section 26.5.2.2 Unvented fuel-fired equipment, other than gas space heaters in compliance with NFPA 54/ANSI Z223.1, National Fuel Gas Code, shall not be used.~~

~~New Hotels and Dormitories, Section 28.5.2.2 Unvented fuel-fired equipment, other than gas space heaters in compliance with NFPA 54/ANSI Z223.1, National Fuel Gas Code, shall not be used.~~

~~Existing Hotels and Dormitories, Section 29.5.2.2 Unvented fuel-fired equipment, other than gas space heaters in compliance with NFPA 54/ANSI Z223.1, National Fuel Gas Code, shall not be used.~~

~~New Apartment Buildings, Section 30.5.2.2 Unvented fuel-fired equipment, other than gas space heaters in compliance with NFPA 54/ANSI Z223.1, National Fuel Gas Code, shall not be used~~

~~Existing Apartment Buildings, Section 31.5.2.2 Unvented fuel-fired equipment, other than gas space heaters in compliance with NFPA 54/ANSI Z223.1, National Fuel Gas Code, shall not be used.~~

~~(e) — Nothing in subsection (e) shall be deemed to adopt any of the following listed standards as numbered and contained in the 2006 edition of the NFPA 101 life Safety Code:~~

~~Numbers 3 & 4 of section 12.3.5.3 and numbers 1 & 2 of section 13.3.5.3. Extinguishment Requirements in One and Two Family Dwellings. Section 4.3.5.1 shall not be incorporated by reference.~~

~~Building Rehabilitation. Chapter 43 shall not be incorporated by reference.~~

~~Stair risers, guards, and treads. The maximum height of risers as prescribed in Chapter 24, Section 2.5.1 shall be amended to permit a maximum 7 ¾" riser for newly constructed stairs in one and two family dwellings only.~~

~~The minimum height of guards as prescribed in Chapter 24, Section 2.5.1 shall be amended to permit a minimum guard height of 36" for newly constructed stairs in one and two family dwellings only.~~

~~The minimum tread depth as prescribed in Chapter 24, Section 2.5.1 shall be amended to permit a 10" tread depth for newly constructed stairs in one and two family dwellings only.~~

~~(f) — The 2007 edition of NFPA 72, National Fire Alarm Code as promulgated by the National Fire Protection Association is hereby adopted and enacted.~~

~~(g) — The 2006 edition of NFPA 1 Uniform Fire Code as promulgated by the National Fire Protection Association is hereby adopted and enacted.~~

~~(h) — Nothing in subsection (g) shall be deemed to adopt any of the following listed standards as numbered and contained in the 2006 edition of the NFPA 1 Uniform Fire Code:~~

~~Chapter 65, Section 11 (see Rules of the State Fire Marshal, Chapter 25 & Title 8 M.R.S.A subsection 236)~~

~~Chapter 20, Sections: 20.2.3.5; 20.3.2.1; 20.4.2.6; 20.5.2.5.4; 20.6.2.6; 20.7.2.6; 20.8.2.6; 20.9.2.2; 20.10.2; and 20.11.2~~

~~The following chapter shall be amended to read:~~

~~Chapter 20, Section 11.1 Application. New and existing one and two family dwellings shall comply with Section 20.11 and NFPA 101. Chapter 24, Section 3.5.1 of NFPA 101 shall not be incorporated in this rule.~~

(i) ~~It is hereby declared that one electronic copy on compact disc of the codes and portions therefore adopted by this section are now, and have been for 30 days, on file at the Fire Prevention Bureau of the fire department and there kept available for public use, inspection and examination.~~

(a) For the purpose of protecting life and property against the hazards of fire and explosion, the city hereby adopts and enacts as codes of the city the following National Fire Codes as promulgated by the National Fire Protection Association:

- NFPA 1: Fire Prevention Code, 2006 Edition
- NFPA 10: Standard for Portable Fire Extinguishers, 2007 Edition
- NFPA 11: Standard for Low, Medium, and High Expansion Foam Systems, 2005 Edition
- NFPA 12: Standard on Carbon Dioxide Extinguishing Systems, 2008 Edition
- NFPA 13: Installation of Sprinkler Systems, 2007 Edition
- NFPA 13D: Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, 2007 Edition
- NFPA 13R: Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, 2007 Edition
- NFPA 14: Standard for the Installation of Standpipe, Private Hydrants and Hose Systems, 2007 Edition
- NFPA 15: Standard for Water Spray Fixed Systems for Fire Protection, 2007 Edition
- NFPA 16: Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems, 2007 Edition
- NFPA 17: Standard for Dry Chemical Extinguishing Systems, 2002 Edition
- NFPA 17A: Standard for Wet Chemical Extinguishing Systems, 2002 Edition
- NFPA 18: Standard on Wetting Agents, 2006 Edition
- NFPA 20: Standard for the Installation of Stationary Fire Pumps for Fire Protection, 2007 Edition
- NFPA 22: Standard for Water Tanks for Private Fire Protection, 2008 Edition
- NFPA 24: Installation of Private Fire Service Mains and Their Appurtenances, 2007 Edition
- NFPA 25: Inspection, Testing and Maintenance of Water-Based Fire Protection Systems, 2008 Edition
- NFPA 30: Standards for Flammable and Combustible Liquids, 2008 Edition
- NFPA 30A: Code for Motor Fuel Dispensing Facilities and Repair Garages, 2008 Edition
- NFPA 30B: Code for the Manufacture and Storage of Aerosol Products, 2007 Edition

- NFPA 32: Standard for Dry Cleaning Plants, 2007 Edition
- NFPA 33: Standard for Spray Application Using Flammable or Combustible Materials, 2007 Edition
- NFPA 34: Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids, 2007 Edition
- NFPA 37: Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, 2006 Edition
- NFPA 51: Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes, 2007 Edition
- NFPA 51A: Standard for Acetylene Cylinder Charging Plants, 2006 Edition
- NFPA 51B: Standard for Fire Prevention During Welding, Cutting and Other Hotwork, 2003 Edition
- NFPA 54: National Fuel Gas Code, 2006 Edition
- NFPA 55: Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks, 2005 Edition
- NFPA 58: Liquefied Petroleum Gas Code, 2008 Edition
- NFPA 59: Utility LP-Gas Plant Code, 2008 Edition
- NFPA 72: National Fire Alarm Code, 2007 Edition
- NFPA 80: Standard for Fire Doors and Windows, 2010 Edition
- NFPA 96: Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2008 Edition
- NFPA 99: Standard for Health Care Facilities, 2005 Edition
- NFPA 99B: Standard for Hypobaric Facilities, 2005 Edition
- NFPA 101: Life Safety Code, 2009 Edition
- NFPA 102: Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, 2006 Edition
- NFPA 110: Standard for Emergency and Standby Power Systems, 2005 Edition
- NFPA 160: Standard for the Flame Effects Before an Audience, 2006 Edition
- NFPA 211: Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances, 2006 Edition
- NFPA 214: Standard on Water-Cooling Towers, 2005 Edition
- NFPA 220: Standard on Types of Building Construction, 2006 Edition
- NFPA 318: Standard for the Protection of Semiconductor Fabrication Facilities, 2006 Edition
- NFPA 385: Standard for Tank Vehicles for Flammable and Combustible Liquids, 2007 Edition
- NFPA 409: Standard on Aircraft Hangers, 2004 Edition

- NFPA 418: Standard for Heliports, 2006 Edition
- NFPA 495: Explosive Materials Code, 2006 Edition
- NFPA 496: Standard for Purged and Pressurized Enclosures for Electrical Equipment, 2008 Edition
- NFPA 750: Standard on Water Mist Fire Protection Systems, 2006 Edition
- NFPA 1122: Code for Model Rocketry, 2008 Edition
- NFPA 1123: Code for Fireworks Display, 2006 Edition
- NFPA 1124: Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles, 2006 Edition
- NFPA 1126: Standard for the Use of Pyrotechnics Before a Proximate Audience, 2006 Edition
- NFPA 2001: Standard on Clean Agent Fire Extinguishing Systems, 2008 Edition

(b) **Specific Provisions:** The City of Lewiston Fire Prevention Code incorporates by reference National Fire Protection Association (NFPA) #101, *Life Safety Code*, 2009 edition; NFPA #80, *Standard for Fire Doors and other Opening Protectives*, 2010 edition; and NFPA #220, *Standard on Types of Building Construction*, 2006 edition. Specific provisions of the Life Safety Code have been excluded to avoid conflict with the *Maine Uniform Building and Energy Code*, and several provisions have been modified to make the provisions specific to Maine. This section also includes rules governing portable classrooms and indoor and special pyrotechnic events.

1. This rule incorporates by reference National Fire Protection Association Standard #101, *Life Safety Code*, 2009 edition.

A. **Unvented fuel-fired heaters.** Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.

B. **Extinguishment Requirements.** The following provisions of NFPA # 101, the *Life Safety Code*, 2009 edition, are not incorporated by reference:

1. Chapter 12, section 12.3.5.3, subsections 3 & 4; and,

2. Chapter 13, section 13.3.5.3, subsections 1 & 2.

C. **Extinguishment Requirements in One- and Two- Family Dwellings.** Section 24.3.5.1 of NFPA #101, the *Life Safety Code*, 2009 edition, is not incorporated by reference.

D. **Stair risers, guards, treads, and tread nosing.** The following provisions of NFPA # 101, *Life Safety Code*, 2009 edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5 is modified to permit a maximum 7 ¾" riser for newly constructed stairs in one- and two family dwellings only. The minimum height of guards as prescribed in Chapter 24, Section 24.2.5 is modified to permit a minimum guard height of 36" for newly constructed stairs in one- and two family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5 shall be amended to permit a 10" tread depth for newly constructed stairs in one-and two family dwellings only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.5 is modified to permit a

nosing at least ¾” but not more than 1 ¼” in depth for newly constructed one-and two family dwellings.

E. **Separated Occupancies.** Tables 6.1.14.4.1 a & b, “*Required Separation of Occupancies (hours.)*” shall be crossed referenced with Table 508.4 *Required Separation of Occupancies* of the 2009 International Building Code(IBC). Where separation requirements in the two tables conflict, separation requirements set forth in the IBC table control.

F. **Accessory Occupancies.** Chapter 6, Section 6.1.14.1.3 of NFPA # 101, *Life Safety Code*, 2009 edition, is not incorporated. Section 508.2 *Accessory Occupancies*, of the 2009 International Building Code governs.

G. **Dead End Corridors.** The following provisions of NFPA # 101, *Life Safety Code*, 2009 edition, are modified as indicated: Chapter 18, Section 18.2.5.2 is modified to require dead end corridors not to exceed 20 feet. Chapter 32, Section 32.3.2.5.4 is modified to require dead end corridors not to exceed 50 feet. Chapter 42, Table 42.2.5 is modified to require that a dead end corridor in an ordinary hazard storage occupancy protected by a sprinkler system not exceed 50 feet. A dead end corridor in an ordinary hazard storage occupancy not protected by a sprinkler shall not exceed 20 ft.

2. This rule incorporates by reference the National Fire Protection Association Standard #80, *Standard for Fire Doors and other Opening Protectives*, 2010 edition.

3. This rule incorporates by reference the National Fire Protection Association Standard #220, *Standard for Types of Building Construction*, 2006 edition.

4. **Portable Classrooms**

Portable Classrooms shall mean buildings manufactured and moved to a site to provide educational space for educational facilities. Similar portable classrooms may be site built if the installation follows these requirements and a construction permit is obtained in accordance with Title 25 M.R.S.A. §2448.

A. All portable classrooms shall be placed in such a manner that no part of the portable classroom is within 20 feet horizontally to any other building.

B. Groups of portable classrooms shall maintain 20 feet of clearance between individual buildings.

C. All groups of buildings under this construction shall have a construction permit issued by the Office of State Fire Marshal as required by Title 25 M.R.S.A. §2448.

D. Buildings and groups of buildings on the same property shall have fire alarm systems as required (NFPA 101, 20069 edition, Sections 14.3.4 and 15.3.4) and all systems shall be interconnected.

E. Fire Drills shall be conducted in conjunction with drills in main educational buildings.

- F. Portable classrooms shall meet all egress requirements of the adopted National Fire Protection Association Standard #101, *Life Safety Code*, 2009 edition.
- G. No installation shall be completed unless a letter from the municipal fire authority has been received by the Office of State Fire Marshal. This letter must indicate that the fire authority's ability to respond to fire emergencies will not be hindered by the placement of the portable classrooms and that the installations of the portable classrooms do not violate local ordinances.

## **5. Indoor Pyrotechnic Events**

Indoor events using special effect display features, as defined in Title 8 M.R.S.A. §221-A, shall be held only:

- A. In buildings fully protected by automatic fire sprinkler systems meeting all requirements of National Fire Protection Association #13, *Installation of Sprinkler Systems*, 2006 edition.
- B. With the prior approval of the Office of State Fire Marshal in accordance with the requirements of Title 8 M.R.S.A., Chapter 9-A; Rules Chapters 20 and 26; and the following:
  - 1. The announcement required by Chapter 20, Section 9 shall be made regardless of capacity.
  - 2. The special effect display shall be conducted by a licensed Fireworks Technician with appropriate Indoor and/or Flame Effect endorsement.
  - 3. The event shall be monitored by the Office of State Fire Marshal.
  - 4. An inspection by the Office of State Fire Marshal shall be completed prior to the commencement of the event with all scenery, effects, and equipment in place.

## **6. Special Pyrotechnic Amusement Events**

- A. A special pyrotechnic amusement event is an event, including but not limited to such events as a magic show or theatrical performance, which uses no more than 1 ounce of flash paper, or small open flame devices such as candles, matches or lighters, or similar devices approved for use at special pyrotechnic amusement events by the Office of State Fire Marshal.
- B. An operator of a special pyrotechnic amusement event shall register with the Office of State Fire Marshal and provide a list of scheduled events and their locations. Such registration shall be valid for a period of 1 year. Location and event schedules shall be updated with the Office of State Fire Marshal no less than 10 days prior to any newly scheduled event or location.
- C. An operator or manager of a special pyrotechnic amusement event shall obtain licensure as a Fireworks Technician with indoor pyrotechnic endorsement pursuant

to Title 8 M.R.S.A. Chapter 9-A or conduct the event under the direct supervision of one holding this license.

**7. Announcement required**

At every event with a defined start time, where an assembly occupancy can accommodate 300 occupants or more, the event manager, operator, sponsor, or a designee shall make an audio announcement to all occupants, prior to the commencement of the event, regarding the following:

- A. Location of exits;
- B. Smoking rules and regulations;
- C. Use of open flame devices;
- D. What to do in case of emergency evacuation; and
- E. Location of any first aid stations.

Such events include but are not limited to those held at armories, assembly halls, auditoriums, dance halls, exhibition halls, gymnasiums, special amusement buildings regardless of occupant load, and theaters.

(c) All NFPA codes and portions therefore adopted by this section may be viewed by contacting the Lewiston Fire Prevention Bureau.

**LEGAL AD**

**PUBLIC HEARING NOTICE  
CITY OF LEWISTON  
PROPOSED ORDINANCE AMENDMENTS**

Public hearings on the following ordinance amendments, for passage on first reading, will be held in the Council Chambers, City Building, on **Tuesday, September 6, 2011, at 7:00pm**, or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said ordinance adoption.

**FIRE PREVENTION AND PROTECTION ORDINANCE**

This amendment involves the adoption of the amended version of the 2009 National Fire Prevention Association 101 Life Safety Code and the repeal of the 2003 edition of the Code.

**OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE**

This amendment formalizes the authorization for the Fire Chief to require fire guard personnel at public gatherings.

**BUILDINGS AND BUILDING REGULATIONS ORDINANCE**

This amendment is for the adoption of the amended version of the 2011 Edition of the National Electrical Code.

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

Kathleen M. Montejo, MMC  
City Clerk

**LEGAL AD - SUN JOURNAL - Thursday, Sept 1, 2011**

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise  
FROM: Lewiston City Clerk's Office 784-2959 fax

Thank you.

Please bill the City Clerk's Dept account.

**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 20, 2011**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 10**

**SUBJECT:**

Public Hearing and Final Passage regarding an amendment to the Offenses and Miscellaneous Ordinance regarding Fire Department supervision at public gatherings.

**INFORMATION:**

In the present City Code, the Chief of Police has the authority to require the presence of police officers at any event of public gathering, in order to provide for the public health, safety and welfare. If the Chief requires the presence of officers, the event organizers pay for the police coverage for their event.

The Fire Chief has similar authority under the State Fire Marshall's Office, yet it was discussed at a recent City Council meeting that the Lewiston City Code should contain specific language authorizing the Fire Chief to have the same authority and discretion for assigning personnel to public gatherings that the Chief of Police has under the Code.

This proposed amendment will grant the same level of authority to the Fire Chief that the Chief of Police has regarding public gatherings.

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

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 50 "Offenses and Miscellaneous", Section 50-12, "Fire Supervision of Public Gatherings", receive final passage by a roll call vote.

**AN ORDINANCE PERTAINING TO FIRE SUPERVISION OF  
PUBLIC GATHERINGS**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

Chapter 50 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**CHAPTER 50**

**OFFENSES AND MISCELLANEOUS**

**ARTICLE I. IN GENERAL**

**Sec. 50-12. Fire supervision of public gatherings; fee.**

- (a) The Fire Chief when notified of the plans for any public gathering shall, if in his judgment fire supervision of such public gathering shall be required in order to maintain and preserve the public health, safety and morals, assign such number of fire guards to supervise such public gathering as may be necessary in his judgment to carry out the provisions of this section.
- (b) The fee to be paid any fire guard acting in accordance with this section shall be determined by the city council and shall be paid by the person conducting the event causing such public gathering.

Secs. 50-12 ~~13~~—50-35 Reserved.

Note: Additions are underlined; deletions are ~~struck-out~~.

**LEGAL AD**

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CITY OF LEWISTON  
PROPOSED ORDINANCE AMENDMENTS**

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**FIRE PREVENTION AND PROTECTION ORDINANCE**

This amendment involves the adoption of the amended version of the 2009 National Fire Prevention Association 101 Life Safety Code and the repeal of the 2003 edition of the Code.

**OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE**

This amendment formalizes the authorization for the Fire Chief to require fire guard personnel at public gatherings.

**BUILDINGS AND BUILDING REGULATIONS ORDINANCE**

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Kathleen M. Montejo, MMC  
City Clerk

**LEGAL AD - SUN JOURNAL - Thursday, Sept 1, 2011**

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise  
FROM: Lewiston City Clerk's Office 784-2959 fax

Thank you.

Please bill the City Clerk's Dept account.

**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 20, 2011**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 11**

**SUBJECT:**

Resolve - Authorizing the Transfer of \$600,000 for facilities projects at the School Department.

**INFORMATION:**

This request for a transfer of project budget funds is from the School Department. They are requesting authorization from the Council to transfer \$600,000 from the 2010 McMahon School Boiler & Ventilation Project to the Longley School Boiler Replacement & Natural Gas Conversion, the Lewiston High School Energy Audit, and the Lewiston Middle School Phase I Architectural & Engineering Review.

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

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Resolve authorizing the transfer of \$600,000 from the 2010 McMahon School Boiler & Ventilation Project to the Longley School Boiler Replacement & Natural Gas Conversion, the Lewiston High School Energy Audit, and the Lewiston Middle School Phase I Architectural & Engineering Review.



**City of Lewiston Maine  
City Council Order  
September 12, 2011**

**RESOLVE,** Authorizing the Transfer of \$600,000 from the 2010 McMahon School Boiler & Ventilation Project to the Longley School Boiler Replacement & Natural Gas Conversion, the Lewiston High School Energy Audit, and the Lewiston Middle School Phase I Architectural & Engineering Review.

**WHEREAS,** the City authorized \$800,000 for the 2010 McMahon School Boiler & Ventilation Project; and

**WHEREAS,** the McMahon School Boiler & Ventilation Project was alternatively financed through a lease-purchased arrangement, thus resulting in surplus capital funds available; and

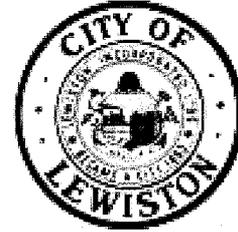
**WHEREAS,** given the anticipated energy savings at Longley School and future demands on the School Department's building infrastructure, reallocation of these funds is both appropriate and necessary;

**NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON** that the budget transfer of \$600,000 from the 2010 McMahon School Boiler & Ventilation Project to the following projects is hereby approved: the Longley School Boiler Replacement & Natural Gas Conversion - \$485,000; the Lewiston High School's Energy Audit - \$40,000; and Lewiston Middle School's Phase I Architectural & Engineering Review - \$75,000.



## Finance Department

Heather Hunter  
Director of Finance/Treasurer  
hhunter@ci.lewiston.me.us



**TO:** Mayor Laurent F. Gilbert  
And Members of the City Council

**FROM:** Heather Hunter, Finance Director

**SUBJECT:** **Project Budget Transfer Request**

**DATE:** September 12, 2011

The City Council has received information regarding the School Department's facilities plan and will be provided a venue at the September 20<sup>th</sup> City Council Workshop to learn more about the plan and address your questions, comments and concerns.

In order to move their plans forward, the School Superintendent is requesting to transfer \$800,000 from the 2010 Public Improvement Bond originally issued for the McMahon Boiler & Ventilation Project. This project was completed and an alternative financing source of a lease purchase was utilized. Transferred resources will provide funding for the following projects:

- Longley School Boiler Replacement & Natural Gas Conversion - \$485,000
- Lewiston High School's Energy Audit - \$40,000
- Lewiston Middle School's Phase I Architectural & Engineering Review - \$75,000
- Multi-Purpose Building Renovations for Pre-Kindergarten Use - \$200,000

After reviewing the Superintendent's plan and discussions with the City Administrator and based upon the information provided, I am recommending that \$600,000 be transferred from the 2010 McMahon Boiler & Ventilation Project to the first three projects outlined above. By reallocating these funds, the City is in a better position to meet the IRS Arbitrage Spend-down Requirements associated with the issuance of this debt.

We are not recommending the transfer of \$200,000 to the Multi-Purpose Building Pre-Kindergarten project at this time. This project would potentially impact a variety of City programs currently operated out of the MPC. Before taking any step on this project, a plan must be developed that will meet the needs of both the School Department and the City's current programs. Toward this end, the City Administrator has asked the School Department to identify potential alternatives and estimate their costs. On the City side, Maggie Chisholm,

our Recreation Director, is compiling data on current City use of the MPC. We will also be evaluating alternatives that might be available as well as their costs. While our goal is to assist the School Department in meeting its needs, we are also mindful of and committed to maintaining City programs in a manner that meets the needs and expectations of our participants. Once the necessary information has been developed and alternatives investigated, we will be in a position to have discussions with all interested parties and to return to the Council to outline alternatives and proposed recommendations.

The requested action is to approve the \$600,000 transfer from the McMahon Boiler & Ventilation Project to the Longley School Boiler Replacement & Natural Gas Conversion, Lewiston High School's Energy Audit, and Lewiston Middle School's Phase I Architectural & Engineering Review.

I would be happy to address any questions or concerns you may have about these requests.

**Lewiston Public Schools  
10-Year Facilities Plan  
September 7, 2011**

## **INTRODUCTION**

Unlike most school districts in Maine, Lewiston school-age enrollment is expected to increase approximately 2% per year over the next decade. This will necessitate the construction of additional classroom space as our schools are essentially at full capacity today. This facilities plan represents a roadmap to meet our classroom needs. Facilities Committee members include Shawn Chabot, Bruce Damon, Dean Flannigan, Tom Hood, Ronnie Paradis, Joe Perryman, Paul St. Pierre, Bill Webster and Steve Whitfield.

## **ENROLLMENT PROJECTIONS**

Twice in the last decade Lewiston Public Schools has contracted with Planning Decisions Consultants Group of South Portland to perform 10-year enrollment projections in conjunction with our two most recent construction projects. The usefulness of their work is in question, however, as our student counts have been materially above their forecasts each year. The firm was challenged, no doubt, by the unpredictability of immigration patterns and larger family sizes typical in our New Mainer population.

We are left with how best to forecast our student trends. Rather than working with Planning Decisions (the only such firm in Maine), one reasonable approach is to assume a long-term continuation of our present elevated kindergarten enrollments. Approximately 465 children are entering kindergarten this year, and this also is similar to last year's figure. If this trend continues indefinitely, Lewiston student enrollment will increase by 1,000 over the next decade.

## **CLASSROOM NEEDS**

Average classroom size in Lewiston is already a little over 20 students. This figure will likely continue to increase as our schools deal with expected enrollment growth, long construction timelines, budget constraints and future uncertainties. A key question is when should we construct a new classroom as building rooms to accommodate a peak, rather than sustained enrollment, is an undesirable use of public funds. Here we are using the conservative assumption that a new classroom should be added to accommodate every additional 25 students. This then suggests that Lewiston will need another 40 classrooms over the next 10 years.

**FACILITIES PLAN**

The table on the last page of this report presents enrollment projections and classrooms needs through 2024, when enrollment projections stabilize under the assumption listed. Below is a tentative plan to provide the necessary space. (Note: The year 2012 on the worksheet refers to the school year 2011-12, 2013 is 2012-13, etc.)

<b>School Committee Decision by</b>	<b>Completion Date</b>	<b>Project Description</b>	<b># of Rooms</b>	<b>Rough Cost Estimate</b>
September 2011	December 2011	Replacement of Longley boilers and conversion to natural gas	-	485,000
September 2011	January 2012	Energy audit of Lewiston High School	-	40,000
November 2011	March 2012	Phase 1 architectural and engineering review of Lewiston Middle School	-	75,000
April 2012	August 2012	Annual capital maintenance and improvement plan (We are researching this further by asking the question what level of annual funding is needed to maintain our existing facilities, fields and playgrounds.)	-	200,000/yr
May 2012	August 2012	Replacement of Montello lockers and hallway improvements	-	100,000
May 2012	August 2012	Add two portable classrooms at Martel. A lease on an additional parking area has already been secured.	2	50,000
January 2012	August 2012	With City approval, take over City space in the multi-purpose building for prekindergarten space, freeing up classroom space at Geiger McMahon, and Montello.	4	200,000
January 2012	August 2013	Construction of new McMahon gymnasium and additional classrooms	8	3,500,000
May 2012	Multi-year project?	LMS Improvements.	8	4,000,000
May 2013	August 2013	Add two portable classrooms	2	50,000
May 2014	August 2014	Replacement of Montello Roof	-	600,000
May 2015	August 2015	Addition portables needed prior to completion of new school project.	4	
January 2014?	August 2016	New school project State funded. The project planning process over the next two years will determine wither or not this project replaces one or two schools.	19 net addition	30,000,000
January 2017?	August 2019	New classrooms and performing arts space at Lewiston High School	8	???

**Lewiston Public Schools**  
**Enrollment Projection and Additional Classrooms Needed**

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
<b>ENROLLMENT PROJECTION (1)</b>													
PreK	192	224	256	288	288	320	320	320	320	320	320	320	320
K	465	465	465	465	465	465	465	465	465	465	465	465	465
1st	459	465	465	465	465	465	465	465	465	465	465	465	465
2nd	403	459	465	465	465	465	465	465	465	465	465	465	465
3rd	391	403	459	465	465	465	465	465	465	465	465	465	465
4th	358	391	403	459	465	465	465	465	465	465	465	465	465
5th	363	358	391	403	459	465	465	465	465	465	465	465	465
6th	358	363	358	391	403	459	465	465	465	465	465	465	465
7th	380	358	363	358	391	403	459	465	465	465	465	465	465
8th	310	380	358	363	358	391	403	459	465	465	465	465	465
9th	303	294	361	340	344	340	371	382	436	441	441	441	441
10th	345	287	279	342	323	326	323	352	362	414	418	418	418
11th	334	327	272	265	324	306	309	306	334	343	393	397	397
12th	338	317	310	258	251	307	290	293	290	317	325	373	377
Ouplaced & LA	110	110	110	110	110	110	110	110	110	110	110	110	110
	5109	5201	5315	5437	5576	5752	5840	5942	6037	6130	6192	6244	6248
Annual Increase		92	114	122	139	176	88	102	95	93	62	52	4
<b>CLASSROOMS NEEDED (2)</b>													
Needed Rooms		4	5	5	6	7	4	4	4	4	2	2	0
Cumulative Needed Rooms		4	9	14	20	27	31	35	39	43	45	47	47
<b>CLASSROOMS TO BUILD</b>													
Additional Portables		2	2	-3	4	-5							
Longley		4											
McMahon Expansion				8									
New School (Net Increase)						19							
LMS Expansion							8						
LHS Expsansion									8				
Rooms Added		6	2	5	4	14	8	0	8	0	0	0	0
Cumulative Rooms		6	8	13	17	31	39	39	47	47	47	47	47

**NOTES**

(1) Assumes addition of 1 preK class in '13, '14, '15 and '17, K class of 465 each year and 5% dropout rate each year for 9, 10, 11 and 12.

(2) Assumes a new room is needed for every 25 increase in the number of students.

9/8/2011

To: Lewiston School Committee

From: Bill Webster, Superintendent

Re: Proposed Reallocation of Municipal Public Improvement Bond Funds

Lewiston Public Schools has the following funding available for capital projects this school year:

<u>Description</u>	<u>Purpose</u>	<u>Amount</u>
Municipal Public Improvement Bonds	McMahon Boiler & Ventilation Project (already completed)	800,000
QSCB Bonds	McMahon Building Project (in progress)	307,121

The School Committee is being asked to authorize the superintendent to seek City Council authorization to transfer the Municipal Public Improvement Bonds as follows:

<u>Description</u>	<u>Amount</u>
1. Replacement of Longley Boilers and Conversion to Natural Gas	485,000
2. Energy Audit of Lewiston High School	40,000
3. Phase 1 architectural and engineering review of Lewiston Middle School	75,000
4. Renovation of Multi-Purpose Building Space for pre-Kindergarten Use	200,000

The above descriptions and amounts come directly from the Facilities Plan. If the transfers are approved, items 1, 2 and 3 would proceed immediately. Item 4 would wait further assessment of the space and agreement with the City before making a definitive decision to proceed with the renovation. The Longley conversion will result in immediate savings of over \$60,000 per year in fuel costs. Power usage at the High School is maxed out, and the completion of the audit this winter will allow us to incorporate recommendations into the next budget cycle. Completion of Phase 1 of the proposed Middle School project will also allow us to move forward more quickly on very much need improvements now that this school is viewed as a "keeper" given the latest State assessment of schools across Maine.

Finally, the QSCB funds above remain allocated to the McMahon project and are sufficient to cover architectural costs as we plan for the new gym and classroom additions to be included in the next Lewiston Capital Improvement Plan.

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 20, 2011

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 12**

**SUBJECT:**

Order - Authorizing the City Administrator to execute an Interlocal Agreement with Androscoggin County and the City of Auburn for Emergency Management.

**INFORMATION:**

The Cities of Lewiston and Auburn and Androscoggin County have had an interlocal agreement in place since 1984 that establishes a unified emergency management agency. Under this agreement, the County provided the agency's personnel while Lewiston and Auburn split the cost of the Emergency Operations Center (EOC) on a 50/50 basis. The cost associated with the Center, located in Lewiston Central Fire Station, generally included utilities and certain repair and maintenance items at an annual cost of from \$10,000 to \$15,000.

During last year's budget process, the County agreed to begin paying all of the costs associated with the EOC effective January 1, 2012. As a result, a new agreement reflecting this change and updating the original agreement is necessary. This change will eliminate the need for the City to budget any funds for operating the EOC.

The revised agreement is attached.

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

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to execute an Interlocal Agreement with Androscoggin County and the City of Auburn for Emergency Management.



**City of Lewiston Maine  
City Council Order  
September 20, 2011**



**Order**, Authorizing the City Administrator to Execute an Interlocal Agreement with Androscoggin County and the City of Auburn – Emergency Management

Whereas, the Cities of Lewiston and Auburn and Androscoggin County have had an interlocal agreement in place since 1984 that establishes a unified emergency management agency; and

Whereas, under this agreement, the County provided the agency's personnel while Lewiston and Auburn split the cost of the Emergency Operations Center (EOC) on a 50/50 basis; and

Whereas, the cost associated with the Center, located in Lewiston Central Fire Station, generally includes utilities and certain repair and maintenance items at an annual cost of from \$10,000 to \$15,000; and

Whereas, during last year's budget process, the County agreed to begin paying all of the costs associated with the EOC effective January 1, 2012, eliminating the need for the City to budget any funds for operating the EOC in future years; and

Whereas, as a result, a new agreement reflecting this change and updating the original agreement is necessary;

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

The City Administrator is hereby authorized to execute an Interlocal Agreement with Androscoggin County and the City of Auburn for Emergency Management in a form substantially as attached hereto.

# INTERLOCAL AGREEMENT

between

Androscoggin County

City of Lewiston

City of Auburn

## I. PREAMBLE

Emergency management, a function of county and local government, is dependent upon leadership of executive officers and efforts of county and municipal departments and agencies to develop, implement and maintain an emergency management program for the well being and safeguarding of their people and property in the event of an emergency/disaster.

In order to provide an effective and comprehensive emergency management program for their citizens, the City of Lewiston and the City of Auburn do hereby agree to adopt and support the following Interlocal Agreement with Androscoggin County.

## II. POLICY

It is the policy of Androscoggin County that all emergency management functions be coordinated to the maximum extent with the comparable functions of the State and Federal governments, including their various departments and agencies, and of the State's counties and localities, and of private agencies so that the most effective preparation and utilization may be made of the County's workforce, resources and facilities for dealing with any emergency/disaster event that may occur.

## III. GENERAL

Emergency management, as defined in Maine Revised Statutes Annotated (M.R.S.A.), Title 37-B, Chapter 13, §703, 2-A shall mean *"the coordination and implementation of an organized effort to mitigate against, prepare for, respond to and recover from a disaster."*

M.R.S.A. Title 37-B, Chapter 13, §781, 2 specifies that *"each county shall maintain a county emergency management agency"* and that it can create regional emergency management agencies (Lewiston and Auburn). Each county agency is responsible for

coordination of emergency management activities and *“a county/regional emergency management agency must receive support from the municipalities within its region.”*

#### **IV. STATEMENT OF PURPOSE**

To consolidate emergency management functions and responsibilities, of the Cities of Lewiston and Auburn, with Androscoggin County Emergency Management Agency for more economical and efficient utilization of existing services, facilities and professional emergency management staff.

#### **V. LEGAL AUTHORITY**

M.R.S.A. Title 37-B, Chapter 13, §§703, 2-A and §§781, 2.

#### **VI. DURATION AND TERMINATION OF THE MEMORANDUM OF AGREEMENT**

This Agreement shall remain in effect until changed or terminated by one or more of the aforementioned governmental entities upon ninety (90) days written notice to the other(s).

#### **VII. DUTIES AND RESPONSIBILITIES**

##### ***A. ANDROSCOGGIN COUNTY***

Shall provide the Cities of Lewiston and Auburn full administration and operation of an emergency management program to encompass:

1. Personnel
2. Program Management – to cover the four (4) phases of emergency management
  - Mitigation
  - Preparedness
  - Response
  - Recovery
3. Emergency Operational Planning for
  - Natural Disasters
  - Man-Made Emergencies/Disasters
  - Chemical Emergencies

- Terrorism
  - Pandemic
4. Training and Education
  5. Tests and Exercises
  6. Emergency Resource Management
  7. Alerting and Warning
  8. Coordination of Federal and State Disaster Assistance
  9. Coordination of emergency response and recovery activities

#### ***B. CITIES OF LEWISTON AND AUBURN***

The executives and departmental staffs of both cities shall cooperate and collaborate, with Androscoggin County, for development of necessary emergency operations plans, shall participate in required training and exercises, and shall respond as required to an emergency/disaster event for the protection and safety of their citizens and property.

The Agency shall continue to be identified as the Androscoggin Unified Emergency Management Agency.

### **VIII. BUDGET AND FINANCE**

#### ***A. ANDROSCOGGIN COUNTY***

Shall, annually, appropriate monies not less than required for the performance of its obligations under the terms of this Interlocal Agreement.

The County's annual Emergency Management budget, commencing 1 January 2012 and continuing in all fiscal years thereafter, will include expenses to reimburse the City of Lewiston for apportioned costs for EOC operation/maintenance that include:

- EOC heat (natural gas and fuel oil as back-up) at 25% of the building costs
- EOC electrical power at 25% of the building costs
- EOC water and sewer at 12% of the building costs
- EOC TTY phone line at 100%
- Facility structural repair/maintenance costs (such as generator and HVAC) shared with Lewiston Fire Department but not to exceed 50% of the cost incurred

The County budget will also include provisions to maintain existing communications lines and equipment, previously supported by the Joint EOC budget, as well as internal lighting and plumbing fixtures directly related to the EOC facility. The County will receive 50% reimbursement under the Emergency Management Program Grant, i.e., EMPG, which is the 50/50 matching program.

#### ***B. CITIES OF LEWISTON AND AUBURN***

Shall support the administration and operation of the regionalized (unified) emergency management program through support of the annual County tax levy which will include the usual county-wide apportioned costs for the Emergency Management Agency, and in addition, the county-wide apportioned costs for the Emergency Operations Center (EOC).

The City of Lewiston (Fire Chief and Accounts Payable Division) will continue to forward appropriate invoices to the EMA office as has been practice since 1995. These invoices will cover the EOC share of heating, electricity, water and sewer, the TTY phone line and the occasional "structural repair" invoice for HVAC or generator repair. Invoices will be processed for payment by the County Treasurer's Office with payments forwarded to the Treasurer, City of Lewiston.

### **IX. PROPERTY**

The Emergency Operations Center (EOC), which is located beneath Lewiston Central Fire Headquarters, at 45 Oak Street, is a specially-designed facility that was constructed to federal specifications, to protect EOC operational staff from the effects of natural and man-made disasters, including nuclear radiation fallout. The EOC was built and furnished, in 1972, during construction of Central Fire Headquarters, with 100% federal funding. The City of Lewiston incurred no cost with the addition of the EOC to Lewiston Central Fire Headquarters.

### **X. ORGANIZATION AND OPERATIONAL STAFF**

The Androscoggin County Emergency Management Director shall serve in that same official capacity for the City of Lewiston and the City of Auburn.

The Director shall be directly responsible and accountable to the Androscoggin County Commissioners. The Director and remainder of the County Emergency Management Agency staff will coordinate with Lewiston and Auburn executive and department officials as requested and/or required to carry out the day-to-day and emergency activities of the Unified Emergency Management Agency.

The EOC will continue to be identified as the "Joint EOC" for day-to-day planning and training activities as well as for coordination of emergency response and recovery activities resulting from an emergency/disaster event.

Day-to-day management and administration of the emergency management program will be the responsibility of the Agency Director and staff who report directly to the County EMA Director.

Management and coordination of emergency operations, under a declared emergency / disaster, by the County Commissioners and/or either/both of the Cities' executive officials (Lewiston City Administrator / Auburn City Manager) shall be the responsibility of the aforementioned EMA staff plus any additional County, and/or Cities' departments and agencies (key EOC staff) required to respond to and recover from the emergency/disaster event at hand.

A quarterly activity (program) report will be provided to the County Commissioners, Lewiston City Administrator and Auburn City Manager at a time that coincides when the report is due to the Director of the Maine Emergency Management Agency.

## **XI. DUTIES AND RESPONSIBILITIES OF THE EMA DIRECTOR**

- A. Reference Emergency Management Agency Director Job Description on file at the County Building.

Nothing in this Interlocal Agreement shall relieve the County of Androscoggin and the Cities of Lewiston and Auburn of any obligation or responsibility imposed upon them by M.R.S.A. Title 37-B, Chapter 13.

This Interlocal Agreement is accepted and approved by:

<b>Name/Title</b>	<b>Signature</b>	<b>Date</b>
Randall Greenwood, Chairman Androscoggin County Court of Commissioners		
Patricia Fournier, Witness Androscoggin County Clerk		
Ed Barrett, City Administrator City of Lewiston		
Kathleen Montejo, Witness Lewiston City Clerk		
Glenn Aho, City Manager City of Auburn		
Roberta Fogg, Witness Auburn City Clerk/Registrar		

**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 20, 2011**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 15**

**SUBJECT:**

Executive Session to discuss labor negotiations regarding the Maine Association of Police - Patrol 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.

*EVABKmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the Maine Association of Police - Patrol Unit.

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 20, 2011

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 16**

**SUBJECT:**

Executive Session to discuss Real Estate negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**INFORMATION:**

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

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

The City Administrator recommends approval of the requested action.

*EA/B/kmm*

**REQUESTED ACTION:**

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