LEWISTON CITY COUNCIL AGENDA
COUNCIL CHAMBERS
March 15, 2022

6:00 p.m. Workshop – FY23 Budget Presentation

*6:30 p.m. Executive Session regarding consultation with the City Attorney.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag

Presentation – Congratulations to the Lewiston High School Cheerleading Team on their recent State of Maine Class A Cheering Championship

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 7.

Acceptance of the minutes of the March 1, 2022 meeting.

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

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. Authorization to accept transfer of forfeiture funds.
* 2. Appointment to the Voter Registration Appeals Board.
* 3. Order, Authorizing execution of Municipal Quitclaim Deeds for real estate located at 76 Elm Street, and 16 Pleasant Street.

REGULAR BUSINESS:

5. Public Hearing for approval of outdoor concerts sponsored by LA Metro Chamber of Commerce for the River Fest at Simard-Payne Memorial Park.
6. Public Hearing and First Passage regarding amendments to the Administration Ordinance regarding amendments to the Housing Committee.
7. Public Hearing and First Passage for amendments to the Vehicles for Hire Ordinance pertaining to licensing of taxicab drivers.
8. Amendments to the Excavation and Street Opening Policy.
9. Consideration to direct city staff to research and present a moratorium regarding Homeless shelters within the City.
10. Order, Approving an Order of Condemnation to lay out and alter Nob Hill Avenue and take certain property in the City of Lewiston for this purpose.
11. Order, Authorizing the City Administrator to take the necessary steps to sell the property adjacent to Nob Hill Avenue as relocated.
12. Order, Authorizing the allocation and disbursement of $5,500 of CDBG Public Facilities funding to Tree Street Youth.
13. Order, Authorizing the L/A Veteran’s Council to accept a decommissioned army tank to be permanently displayed at the Veteran’s Memorial Park.
14. Order, Authorizing the City Administrator to negotiate and execute a purchase and sale agreement, and other related closing documents for acquisition of property on Blais Boulevard.
15. Reports and Updates
16. Any Other Business Councilors or staff may have relating to Lewiston City Government.
17. Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
18. Executive Session regarding a Legal Matter.
March 8, 2022

Honorable Mayor and Members of the City Council:

The attached budget is submitted in accordance with the applicable provisions of the City Charter. While it presents a complete spending plan for the coming year and could be adopted as presented, it should more appropriately be seen as a starting point for review and deliberation and as a vehicle for the presentation and discussion of numerous issues. What follows highlights significant changes from the current year’s budget and addresses some of the on-going fiscal and operational challenges the City faces over the coming year.

BUDGET HIGHLIGHTS

The proposed budget calls for an increase in both City (7.6%) and School (9.9%) expenditures. These increases are partially offset by growth in both City and School non-property tax revenues, with schools seeing an increase in state aid and proposing to use $5.1 million in fund balance. As a result, proposed spending increases translate into a tax rate increase of $4.09 ($1.55 City, 6 cents county, and $2.48 school), or 14.5% overall.

Next year’s capital needs are proposed to be addressed from a variety of sources including bonds and the use of about $6.9 million in fund balance. The following proposal calls for reducing the bond authorization in the adopted FY23 LCIP from the original $24,218,995 to $14,594,825, an amount still above our 80% bond authorization limit. Capital needs and our ability to meet them will require careful discussion and priority setting during this year’s budget process and are among the largest challenges we will face over the next several years.

We currently estimate that all three utility funds will have sufficient ending cash balances to avoid a need to adjust water, sewer or storm water rates.

All of the various budget issues and considerations are discussed in greater detail below.

GENERAL FUND EXPENDITURES

On the municipal side, including the County tax, we are proposing a General Fund expenditure budget of $53,929,406, an increase of $3,810,114, or 7.6%. For the most part, this budget restores activities and programs that were available pre-COVID, particularly in the library and recreation departments, and training and mileage budgets.

Based on initial budgets submissions, the City’s various departments requested an additional $4,619,304 over what is approved for general fund funding for FY22. Of this, $4,191,653 is proposed to be funded from fund balance.

This proposal reinstates the three positions that were frozen in the FY22 budget, at a total cost of $248,145 including fringe benefits. Prior to COVID, recognition was made to the significant personnel cuts taken beginning in FY11 as the City responded to the recession. Due to increasing
difficulty we face in meeting the service demands and expectations of the community, the Council has shown interest over the last several years in restoring some of the earlier personnel cuts. During the FY20 budget process, the City Council made the largest restoration effort yet by reinstating eight positions to be phased-in throughout the fiscal year and annualized in subsequent budgets. In the current fiscal year, personnel capacity increased in both recreation and library departments with the conversion of 2 part-timer positions to fulltime, at a total estimated cost of $69,150. Even with these changes, the organization is 65 positions below its peak in 1994 of 428.

The following two charts show the dollar change in the budgets of the various departments and the percentage of the overall budget allocation that they represent.

**Increase/Decrease in Recommended Budgets**

**Expenditure Budget Allocation**

**Major Budget Factors**

Personnel services, including employee fringe benefits, have increased by $2,471,159 due to negotiated salary adjustments, additional public safety overtime, healthcare and retirement costs, full year funding for the frozen positions mentioned above, and additional workers compensation funding. Personnel services increases represent 66.8% of the increase in the proposed City operating budget, excluding the county and debt service. Regular salaries and overtime rose by
a combined $1,657,993, keeping in mind the City has all settled labor contracts in effect through June 30, 2023, with the exception of the fire contract.

With all bargaining units now converted to the PPO 500 health insurance plan and receiving a 3.6% 2022 health insurance rate increase and an estimated 8.5% 2023 increase, health related expenses are projected to increase by $321,510, based on the most recent available information on current year utilization. As mentioned during the FY21 audit presentation, the workers compensation fund has an unfunded liability of $4.4 million. An additional $43,998 is recommended from the operating budget and another $250,000 from fund balance is recommended to reduce that gap.

Contractual services are up $698,547 or 12%. Major areas of the increase include a rise in maintenance and licensing for the multitude of software programs used city-wide ($27,942); city wide utilities ($100,948); contract crisis workers ($20,560); various repairs to signals ($41,610), grounds ($23,102), municipal vehicles ($18,650), buildings ($56,856), and equipment ($26,604); canal maintenance ($9,000); street line painting ($17,149); city-wide training initiatives ($91,415); and contract waste collection and ash hauling ($80,764).

Overall, supplies and materials rose by $248,038 or 11.01%, due to increases in fuel pricing ($115,288), an amount that may not be sufficient as the City’s lock-in price was postponed due to an upward trend that was supposed to drop in April, prior to the conflict between Russia and Ukraine; uniforms ($41,944); household supplies ($12,058); construction materials used in street lighting ($21,650), tarring ($14,250), and winter operation materials ($19,093).

All requested general fund capital expenditures and other one-time costs have been eliminated from the operating budget or are recommended to be funded through fund balance. The recommended use of $6,910,488 of fund balance is discussed further below.

Fixed costs climbed by $392,370 or a 2.8% increase. The fire hydrant rental fee rose ($85,500)\(^1\) - feeling the full impact of the FY22 water rate increase. Contributions to the joint agencies rose by a total of $222,173, with the A-L Airport by $33,000, the Transit Committee by $125,439, and 9-1-1 Committee by $63,734. All of these joint agencies will be discussed further during the budget process, and final funding will require coordination with the City of Auburn. These increases were tempered by a decrease in general assistance rent of $50,000 and debt service of $32,649.

**Debt Service**

As noted, next year’s General Fund debt service will decrease by $32,649 or -.45%. This amount includes the payments from the most recent bond sale.

FY23’s annual debt service requirement is about $5.3 million below FY15’s peak of $12.6 million. Since that peak, when debt service represented 29.5% of the city-side budget, the percentage of our budget devoted to debt service has declined, with FY23 at 14.5%, excluding the county.

\(^1\) Fire hydrant rental is actually a misnomer. The general fund is not charged a rental fee per fire hydrant. Rather, it is charged for the estimated additional cost of providing a water system sized to support water flows needed for fighting fires. These fees are based on a formula adopted by the PUC for estimating such costs.
Outstanding principal and interest balances ($43,895,474) have decreased $57.6 million or 56.8% since the FY05 peak of $101,501,019.

The City continues to maintain the rapid debt amortization goal we have pursued for some time; however, with interest rates fluctuating and larger projects slated for the future, we may need to increase the average life of outstanding debt to keep budgetary impacts manageable.

The chart below shows the City’s annual debt service costs for the period from FY14 through FY23. The reduction early in this period resulted from a combination of factors including the Council’s adoption of an aggressive bond authorization limit, refinancing outstanding debt at lower rates, early pay off of the Colisee debt, and the recent favorable interest rate environment. At the same time that total debt service payments declined, we have also worked to reduce the length of bond amortization from the prior average of 15 years to closer to 7.5 years, reducing overall interest costs. This multi-pronged approach has reduced the general fund’s outstanding interest over this same time by $3,779,055, and $22,643,246 or 76.2% from its peak in FY05. We should take pride in this accomplishment, reflecting as it does the commitment on the part of both the Council and management to address the debt service burden. At the same time, we must recognize that the trend has reversed in recent years as we have attempted to address significant capital needs that were deferred during and immediately following the great recession. The FY22 dip in debt service required reflects the paying off the City’s MEPERS pension bonds.

CITY REVENUES

FY23’s revenues are anticipated to rise by $147,358 or 1.13%. At $13,210,669, next year’s revenues begin to align with where they were fourteen years ago in FY08 prior to the dramatic reductions in state revenue sharing. However, estimates are still on the conservative side as it’s unclear if we have truly weathered the full impact of the COVID economy, the vehicle inventory shortage, and the inoperability of the parking garage gate system. By statute, the State should distribute 5% of sales and income taxes to its cities and towns. The State is slated to provide the full percentage; however, FY23 estimates are not yet available for state revenue sharing or confirming the percentage that will be distributed.

In the recent past, auto excise tax outpaced expectations. However, with both new and used vehicle inventory at historical lows, we are not anticipating an increase next year at this time. We
are cautiously projecting state revenue sharing to increase by $225,000, but await updated projections from Maine State Revenue Services. This revenue line is likely to be updated as the budget process progresses, hopefully in a positive direction, although economic disruptions over the past year have increased uncertainty. General Assistance reimbursement decreased by $37,800. This represents the State’s 70% cost-share of next year’s projected $54,000 cost reduction. Other revenues projected to increase include other licenses & permits ($20,000), motor vehicle registration fees ($16,606), state highway aid ($14,500), excavation permits ($8,500), and sale of timber harvested ($10,000). Anticipated declines in revenue include a variety of licenses and permits ($10,500), with food service licenses representing the large decline at $6,000; apartment building trash collection fees ($8,500); all parking garage revenue continues to decline due to equipment failure ($68,140); investment earnings ($14,400); and unclassified revenues ($7,040).

The graph below depicts the fluctuation in revenue sources between FY22 and FY23.

![Revenue Budget Comparison](image)

**SCHOOL DEPARTMENT**

The following is based on the budget information furnished by Lewiston Public Schools on March 7th.

The School Department anticipates an additional $3,784,751 in revenues largely due to increasing state general purpose aid. In addition, the department plans to carryforward $5,100,000 from fund balance, leaving a remaining unassigned balance of $8,129,171.

The proposed FY23 School Department budget calls for a $9,191,813 or 9.88% increase in expenditures. The major cost drivers are salaries and benefits, improvements to special education, materials and supplies, resources for English language learners, and debt service.

Under the essential programs and services (EPS) education funding model, the State determines the amount each school unit must spend to meet minimum educational requirements. Once a district knows the amount it will receive in state aid, it is required to raise the remaining amount to reach full EPS funding. The amount of property taxes that must be raised to reach the EPS funding level is referred to as the “required local share.”
For a number of years following the recession, the State relaxed this requirement, allowing districts to raise less than the required local share. Lewiston Schools did this. When the local share requirement was phased back in, the City was required to provide additional property tax support for schools in order to avoid steep losses in state aid. We reached the full required local share in FY19 and exceeded the required minimum in FY20 - FY22. As proposed, the school budget will exceed the required local share by about $7.8 million.

School administration is recommending a budget that would result in increasing the current School tax rate from $10.46 to $12.94. It should be noted, however, that this is about $3.66 higher than the tax rate required to raise the minimum local share. The City Council is scheduled to meet with the School Committee on this budget on March 21st.

Greater detail can be found in the complete school department budget provided separately.

**NEW PROGRAM REQUESTS**

As is our practice, departments wishing to fund new programs have submitted separate requests for things like new, restored, or expanded services, new personnel, or non-replacement equipment. Rather than including these requests in the base budget, this approach highlights them and ensures that they are separately reviewed.

New program requests for the General Fund total $1,062,440 and $101,006 for the utility funds. None of these requests are currently included in the proposed budget, although several of them should receive careful consideration by the Council. This year, in preparation of budget deliberations, the management team pitched their new service requests to each other. After, each department priority ranked all of the requests and the average priority order is noted on the new service schedule. The top three requests include increasing the crisis workers to two FTEs ($39,520), securing equipment for the salt brine system ($253,400 – this item is eligible for fund balance funding), and one highway worker ($58,792).

Notable requests include: additional personnel including age-friendly and youth program specialists in recreation ($67,397 and $81,067 respectively), a fire assistant chief ($137,503), two mechanics in the municipal garage ($145,330), a planning technician ($73,643), a Youth Corps temporary worker ($4,844), two highway workers ($117,584), a building maintenance worker ($58,832), and an utility asset management technician ($75,756). Non-personnel requests include contracting security at Franklin Pasture and Marcotte Park ($8,320); converting a part-time police contracted crisis worker to fulltime ($39,520); a salt brine system for winter operations ($253,400); funds to pilot trash beautification initiatives ($75,000); and the utility funds are requesting a customer portal application for the water and sewer meter system ($25,250).

A complete listing of new programs is attached, a file containing the detail requests with narrative explanations will be emailed, and department directors will be available to address questions on each request during the presentation of their budgets.

**CAPITAL**

Departmental capital and other one-time repair requests totaled $6,910,488, up from the last year’s funded amount of $4.5 million. Of that amount, $2,702,390 is requested capital items that were removed from the operating budget and another $1,489,263 represents one-time costs or
other expenses eligible for funding from fund balance. LCIP projects totaling $2,718,838 are now recommended for funding through fund balance. In spite of using this funding source, the list should be reviewed and deliberated to determine if projects meet current year priorities.

**Use of Fund Balance**

City policy wisely limits use of fund balance to capital items and one-time expenditures, not for operating expenses. The policy calls for fund balance to be maintained at no less than 8% and no more than 12% of General Fund revenues and transfers in. As of June 30, 2021, the City’s unassigned fund balance was at 17.11%. During FY22, there were four supplemental appropriations totaling $2,660,832, which further reduced the coverage to 15.29%.

We are proposing to use $6,910,488 in fund balance to address certain capital and one-time needs, as well as a group of proposed LCIP projects, reducing the unassigned fund balance to 10.57%.

As a reminder, the School Department is proposing to use $5,100,000 in school fund balance toward next year’s operating expenses. Overall, therefore, the FY23 proposed budget calls for using $12,010,448 of the combined City/School fund balance for capital, one-time, and school operating purposes. The Council should recognize that there is no guarantee that such a large amount will be available in future years, particularly since it appears that a portion of the school fund balance may be going toward on-going operating costs, which are generally more difficult to adjust if necessary.

**LCIP**

The 2023 LCIP proposes borrowing $23,148,995 for city and joint agency projects, and $1,070,000 for school projects for a total of $24,218,995, an amount which exceeds the 80% bond authorization limit by $16,795,990. We are initially proposing that $14,594,925 of these projects be authorized, an amount that will still exceed the 80% limit by $7,171,820. As noted, I anticipate that the LCIP will be a significant item of discussion during the budget process as will the recommendations outlined above proposing to fund certain operating budget capital items from fund balance.

A complete listing of all capital requests and their funding status is included elsewhere in this document.

**TAX LEVY LIMITATIONS (L.D. 1)**

Under the state’s tax levy limitation law (L.D. 1), the City can increase its property tax levy by two factors: the ten year statewide annual average growth in real personal income and the growth in our property tax base due to new value. The state has set the income growth factor for next year at 3.78%, a slight increase from the current year’s 3.3%. The property growth factor, based on the new property added to our tax rolls for FY22 (the prior tax year is used for this purpose), is estimated at 1.3% compared to this year’s final calculation of 6.6%. In total, therefore, the City’s property tax levy could increase under L.D. 1 by 5.08%. The proposed budget is below this limit.
The City has operated below the L.D. 1 limit since inception, and the formula allows future levy increases to be netted against prior levies that have been under the limit. Taking all of this into consideration, the L.D. 1 levy limit for FY23 is $62,530,986. The proposed levy of $37,560,815 (City only) is $24,970,171, or roughly 40% below the L.D. 1 limit.

**Consumer Price Index Urban Northeast**

Section 6.07 (h) of the City Charter requires that the percentage increase in the municipal tax levy not exceed the percentage increase of the Consumer Price Index Urban Northeast (CPI-U Northeast) using the United States Bureau of Labor Statistics, Department of Labor, as compiled for the 12-month period ending December 31 of the previous year. The 12-month percent change as of December 31, 2021, was 5.9%. This is the first year of the new measurement benchmark outlined by the approved City Charter revisions. The municipal tax levy increase in the proposed City budget is 10.33% or 4.43 percentage points above the CPI-U Northeast limit. If the budget exceeds the 5.9% limit, a super majority vote of five members of the City Council will be required to adopt the budget. To reduce the budget to stay within the limit would require expenditure reductions of about $1.5 million.

**COUNTY TAX**

The City's share of the Androscoggin County budget will increase $145,679, or 4.84%, to $3,157,919.

**ASSESSED VALUE**

Based on preliminary estimates, Assessing anticipates that our value for the coming year will increase by a net $15 million or .71%. This continues the long-term trend we have seen of slow assessed value growth, which is primarily impacted by the Business Equipment Tax Exemption (BETE), whereby older, taxable business equipment is replaced with new, non-taxable equipment for which the City received only a 50% state reimbursement. Assessing is continuing its work, and this value estimate is tentative and subject to change over the next few months.

**TAX RATE**

The proposed budget results in an estimated tax rate of $32.35, an increase of $4.09 or approximately 14.46% from the current year. The City tax rate increases by $1.55, the County rate by 6 cents, and the School by $2.48.

While Lewiston was operating under the pandemic, the City Council approved municipal budgets which afforded property owners with tax rate reductions. Additionally, in FY22 with the conclusion of the valuation process, the Chief Assessor noted the Clean Energy Connect project added $111 million or a 5.57% bump in valuation; thus enabling a 41 cent reduction to the approved tax rate.

The adopted state budget continues to use the homestead exemption amount of $25,000, of which the State reimburses the City for 70% of the amount of total exemptions or taxes lost. However, under our current assessing practices, we anticipate that our assessment ratio will fall to 78% for the coming year, down from 81% in FY22, producing a local homestead exemption of $19,500, compared to the $20,250 this year. With the proposed tax rate increase, an owner occupied home valued at $75,000 would see a $248 annual property tax increase; a $150,000 home would see $555 more; and a $250,000 home would see a $964 higher bill.

**ENTERPRISE FUNDS**

The City operates three enterprise funds – Water, Sewer, and Storm Water. The following summarizes each fund’s projected revenues, expenditures, net operating results, and cash balances expected as of June 30, 2022.

All three of our utilities are projected to end the current fiscal year with a cash surplus. With FY22’s 23% rate adjustment, the Water fund is projecting a current year operating surplus of $379,905 and a FY23 surplus of $518,635. The projected positive cash balance of $770,729 at the end of FY22 provides additional resources. The utility will not need a rate increase.

The Sewer utility is anticipated to have a deficit cash flow of $169,593 for the current year, leaving it with an ending cash balance of $1,780,503. This balance is sufficient to fund the projected operating deficit of $559,450 for next year. As a result, we are not recommending a sewer rate increase this year.

Storm Water is estimated to have a deficit of $511,209 for this year and a projected ending cash balance of $1,288,216, an amount adequate to fund a $640,782 projected FY23 operating deficit, thus also avoiding a rate increase till perhaps FY24.

**OPERATING SUMMARY ENTERPRISE FUNDS**

<table>
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<th>Fund</th>
<th>Revenues</th>
<th>Expenditures</th>
<th>Net</th>
<th>Ending Cash</th>
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<tbody>
<tr>
<td>Water*</td>
<td>$6,949,383</td>
<td>$6,430,748</td>
<td>$518,635</td>
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<td>Sewer</td>
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<td>7,398,845</td>
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<td>Storm Water</td>
<td>3,004,000</td>
<td>3,644,782</td>
<td>(640,782)</td>
<td>647,434</td>
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</table>
**Water Utility**

The last water rate increase of 23% was adopted in May 2021. No rate adjustment is recommended for the FY23 budget. Please keep in mind that water utilities, unlike sewer and storm water, are regulated by the Maine Public Utilities Commission, which requires a more complicated process to implement rate increases.

We estimate the water utility will operate at a $518,635 cash surplus in the coming year as a result of additional revenues of $612,697. Expenditures are up by $143,383 or 2.28%.

Utility payroll is essentially flat and benefits are up by $26,788 (4.63%) due to employee turnover and insurance increases similar to general fund. Operating expenses rose by $163,203 or 12.85%. Capital expenses are proposed to fall by $67,000, based upon capital fluctuations between fiscal years. Debt service requirements increase by $20,421 or .78%.

Water has three proposed LCIP projects recommended for bond funding: distribution water main replacement/rehabilitation in the amount of $2.2 million, SCADA program modifications of $100,000, and pump station repairs totaling $350,000.

**Sewer Utility**

The last sewer rate increase was 16% in FY18. Revenues are projected to increase by 4.2% or $275,691. As noted, there are sufficient funds to absorb the operating loss estimated in FY22 and FY23, but consideration for a rate adjustment may become necessary in FY24.

We project the sewer utility will operate at a $559,450 cash deficit at the end of the FY23. Expenditures are projected to increase by $221,141 (3.1%). Payroll is relatively flat due to turnover, and benefits are up $52,897 (17.3%). Debt service is up $31,933 or 1.45%; operating expenses climbed by $167,198 (21.8%); and capital outlay shrank by $12,000. Lewiston will cover approximately 66% of the total cost of operating our joint wastewater treatment plant. As a result, the City’s contribution will decrease by $18,054 or .6%, given the overall decrease in the treatment plant’s operating budget.

The LCIP includes a number of sewer bond projects including: rehabilitation of old sewer mains ($1,100,000); inspection and rehabilitation of our collection system ($650,000); CSO separation projects ($500,000), and a Sewer master plan and rate study ($200,000) – for a total request of $2,450,000.

**Storm Water Utility**

The storm water fee was last increased in fiscal year 2018 by 15%. The utility shows an estimated operating loss of $511,209 in 2022, and $640,782 in FY23. Given available cash, no rate adjustment is recommended.

Utility revenues are estimated to remain essentially flat at $3 million. Expenses will increase by about $54,582 or 1.5%. The $26,549 combined reduction in fringe benefits and debt service will

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2 The costs of the treatment plant are allocated between Lewiston and Auburn based on percentage of flow and the strength of the wastes generated in each community.
partially temper the increases in payroll ($54,006), operating expenses $25,625 or 5.1%, and requested capital items $1,500, a 1.5% increase.

LCIP bond projects include various culvert replacement projects ($50,000), including Old Webster Road ($525,000), CSO separation projects ($500,000), storm drain inspections ($415,000), Hart Brook water quality restoration ($350,000) and upgrades to the Jepson Brook Channel ($80,000).

FUTURE CONSIDERATIONS

As we continue to manage the challenges brought on by the pandemic and a possible recession looming ahead, we will need to continue monitoring the state budget as the impacts on the State’s Municipal Revenue Sharing Program may fall short of what is anticipated. As we move closer to our fiscal year end, we will be in a better position to determine if some of the revenue estimates need to be revised.

The impacts on our local economy and our residents should remain a focus area as we close out this fiscal year and move into FY23. It’s been impressive to see the resiliency demonstrated by our local businesses and residents as they continue to adapt to the new “norm” that we find ourselves in today. The City continues to search for ways to support local businesses, residents, and City staff through changes in the economy. We should continue to monitor future economic impacts attributed to the Russia-Ukraine war, an extremely tight labor market, and higher than recent cost-of-living increases.

CONCLUSION

The annual budget is the primary policy document produced by the City each year. Our attention during the review process must, therefore, focus on issues of significant concern that are directly affected by raising and allocating resources.

I would like to express my thanks and appreciation to the City’s Department Heads and the large number of City employees who have participated in developing this proposed budget. I am especially grateful to Assistant Finance Director Ralph Lenfestey and the entire Finance Department for all of their hard work in producing a complete and accurate document.

I look forward to the coming Council review process and to working with you to adopt a FY23 budget which meets the needs of our community. As always, your staff and I stand prepared to assist with any alternatives the Council would like to explore as well as, any other suggestions that may arise as the budget process moves forward.

Sincerely yours,

Heather Hunter
City Administrator
SUBJECT:
Executive Session regarding consultation with the City Attorney.

INFORMATION:
The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings. Discussing a legal matter with the City Attorney is a topic permitted under the statutes.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:
The state statutes outline the issues allowed to be discussed in an executive session.

HAH/kmm

REQUESTED ACTION:
To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney.
AGENDA INFORMATION SHEET:  

<table>
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<tr>
<th>AGENDA ITEM NO.</th>
<th>1</th>
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**SUBJECT:**

Authorization to accept transfer of forfeiture funds.

**INFORMATION:**

The Lewiston Police Department is requesting that the City Council authorize the acceptance of funds, in the amounts outlined below, as reimbursement for costs associated with assisting in a criminal investigation. The funds are available to the Lewiston Police Department due to its substantial contribution to the investigation of this or a related criminal case.

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

The City Administrator recommends approval of the requested action.

_HAH/kmm_

**REQUESTED ACTION:**

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

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of $2,850.00 or any portion thereof, in the case of the State of Maine vs. Zaquan McCarvin, CR-20-272 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the ‘City of Lewiston Drug Enforcement Program’ account.
STATE OF MAINE
Androscoggin, ss

State of Maine } Municipality of Lewiston
v. } Approval of Transfer
Zaquan McCarvin } 15 M.R.S.A. §5824(3) & §5822(4)(A)
Defendant; }

And

$2,850.00 U.S. Currency } Defendant(s) In Rem

NOW COMES the municipality of Lewiston, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) In Rem, (namely $2,850.00) or any portion thereof, on the grounds that the Lewiston Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Lewiston, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Lewiston municipal legislative body on or about

Dated: ____________________________

Municipal Officer
Lewiston, Maine

(Impress municipal legislative body seal here)
### AGENDA INFORMATION SHEET:

**AGENDA ITEM NO.** 2

**SUBJECT:**
Appointment to the Voter Registration Appeals Board.

**INFORMATION:**
State election law requires all municipalities with a population of 5,000 or over to have a local Voter Registration Appeals Board. The Appeals Board meets on an as needed basis to conduct hearings to hear from any citizens who are appealing the decision of the Registrar of Voters if these citizens were denied the right to vote in Lewiston. In the past 20 years, this board has met only once.

The Board is made up of three people, per state statutes - the chairperson, who is nominated by the City Clerk, and one representative each from the local Democratic party and the local Republican party. The municipal officers need to confirm the nominations and formally appoint the members. The party representatives select their representative.

The representative from the Democratic party was Elizabeth Eames, however since she was elected to the School Committee, is unable to serve due to the requirement in the Charter that a person cannot hold an elected position and an appointed position at the same time. The Lewiston Democratic Committee held their caucus on March 2 and selected Cynthia Peters as their representative.

Passage is requested.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**
Committee appointments are a policy decision of the Council.

_HAH/kmm_

**REQUESTED ACTION:**

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

To appoint Cynthia Peters to serve as the Democratic party representative to the Voter Registration Appeals Board for the remainder of the three-year term, said term to expire April 1, 2024.
LEWISTON CITY COUNCIL
MEETING OF MARCH 15, 2022

AGENDA INFORMATION SHEET: AGENDA ITEM NO. 3

SUBJECT:
Order, Authorizing execution of Municipal Quitclaim Deeds for Real Estate located at 76 Elm Street, and 16 Pleasant Street.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:
The City Administrator recommends approval of the requested action.

HAH/kmm

REQUESTED ACTION:

To approve the Order authorizing execution of municipal quitclaim deeds for real estate located at 76 Elm Street and 16 Pleasant Street.
COUNCIL ORDER

March 15, 2022

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 76 Elm Street.

WHEREAS, the former owner, Richard Dunne, failed to pay his bills on a timely basis for 76 Elm Street (Tax Map 194, Lot 360, Parcel 00-009950); and

WHEREAS, a water lien was filed on October 6, 2017 (Book 9702 Page 241) and matured on April 6, 2019 in the amount of $161.29; and

WHEREAS, a sewer lien was filed on October 6, 2017 (Book 9702 Page 270) and matured on April 6, 2019 in the amount of $196.66; and

WHEREAS, a water lien was filed on March 19, 2018 (Book 9803 Page 32) and matured on September 19, 2019 in the amount of $165.20; and

WHEREAS, a sewer lien was filed on March 19, 2018 (Book 9803 Page 8) and matured on September 19, 2019 in the amount of $161.29; and

WHEREAS, a storm water lien was filed on March 19, 2018 (Book 9803 Page 161) and matured on September 19, 2019 in the amount of $92.30; and

WHEREAS, payment has been received;

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

That a quitclaim deed is hereby authorized to release the City’s interest in the property located at 76 Elm Street to the owner.
COUNCIL ORDER

March 15, 2022

Order, Authorizing Execution of a Municipal Quitclaim Deed — Real Estate Located at 16 Pleasant Street.

WHEREAS, the former owner, Michael R Proctor, failed to pay his bills on a timely basis for 16 Pleasant Street (Tax Map 176, Lot 231, Parcel 00-001344); and

WHEREAS, a storm water lien was filed on March 20, 2019 (Book 10050 Page 271) and matured on September 20, 2020 in the amount of $96.66; and

WHEREAS, a storm water lien was filed on August 22, 2019 (Book 10161 Page 278) and matured on February 22, 2021 in the amount of $97.88; and

WHEREAS, a storm water lien was filed on February 18, 2020 (Book 10308 Page 241) and matured on August 18, 2021 in the amount of $98.05; and

WHEREAS, payment has been received;

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

That a quitclaim deed is hereby authorized to release the City’s interest in the property located at 16 Pleasant Street to the owner.

Annually, the City prepares a comprehensive financial report that is audited by the City’s independent auditors, RHR Smith & Company, in accordance with the City Charter.

The ACFR received an unqualified audit opinion and was submitted to the Government Finance Officers Association for their Excellence in Financial Reporting Program. If awarded, this will be the forty-seventh consecutive year that the City has received this prestigious award.

The City Administrator recommends approval of the requested action.

HAH/kmm

To approve the Resolve, Accepting the City of Lewiston’s Annual Comprehensive Financial Report for the fiscal year ended June 30, 2021.
COUNCIL RESOLVE
MARCH 15, 2022


Be It Resolved by the City Council of the City of Lewiston
that the City of Lewiston’s Comprehensive Annual Financial Report, including its General Purpose Financial Statements for the year ended June 30, 2021 as prepared by the City Finance Director, and the Independent Auditor’s Report thereon prepared by RHR Smith & Company, is hereby accepted in its entirety.
AGENDA INFORMATION SHEET:              AGENDA ITEM NO.  5

SUBJECT:

Public Hearing for approval of outdoor concerts sponsored by LA Metro Chamber of Commerce for the River Fest at Simard-Payne Memorial Park.

INFORMATION:

The Chamber has submitted an application requesting permission to hold outdoor concerts on City property. They plan to hold outdoor concerts at Simard-Payne Memorial Park in conjunction with the River Fest on June 17 - 19.

Per the City Code, an outdoor concert cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

HAH/kmm

REQUESTED ACTION:   

To conduct a public hearing on an application from LA Metro Chamber of Commerce for the outdoor concerts to be held at Simard Payne Memorial Park on June 17-19 and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to LA Metro Chamber of Commerce for the outdoor concerts, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.
LEWISTON ME Special Event Application 2022

Organizer Information

Name of Organization: La Metro Chamber of Commerce
For-Profit ___ Non-Profit X
NP paperwork is required and due with your application. 501C3 ___ IRS Letter ___ Form 990 X

Organization Address: 415 Lisbon St. City: Lewiston
Organization Daytime Telephone: 207-783-2249 LBNP Discount X N/A ___
To be considered a Lewiston-Based NP, your office must be physically located in Lewiston.

Applicant Name: Shanna Cox Title: CEO & President
Applicant Telephone: 2077832249 Applicant Email: Shanna@lametrochamber.com
On-site Manager Name (day of event): Katie Palmer Cell: 207-783-2249 ext1210

Event Information

Activity/Event Name: River Fest Requested Location: Simard Payne Par
See page two for list of park locations and applicable fees / please note there are no bathroom facilities at City Parks. If you plan to use the park for over 3 hours – porta potties must be obtained at your expense.

Requested Date(s) 6/17-6/19 Rain Date (if applicable) N/A___ Recurring Dates N/A ___
Actual Hours of Event 10:00am to 10:00pm Set up: 8:00am Tear Down: 10pm
Anticipated Attendance: 2,000 ___ required City Council Approval Needed
Type of Event (describe in detail) Park Reservation X First-Time Event ___ Repeat Event X
See Attached

Qualifying Questions to Determine Park Reservation or Event

Will you be amplifying sound? If so, continue on and complete the application.
Is the anticipated attendance 50 or over? If so, continue on and complete the application.
Will you have tents, bounce house, etc.? If so, continue on and complete the application.
If you answered no to the above questions: Your request for a reservation is complete:
Indicate park choice on Pg. 2, sign below and complete and attach the Liability Waiver.

Signature of Applicant

Date 1/24/2022

Initial SC I have read and signed the Liability Waiver which will be attached to the Page 1 & 2 Park Reservation.

$50 processing fee due when Park Reservation or Application is submitted.
## Department Information for your Event

It is a requirement that the event organizer attend a City Event Staff meeting and/or contact the staff member to discuss all requirements outlined in the application.

### City Clerk’s Office in conjunction with Sanitarian/Code Enforcement

Kelly J. Brooks, Deputy City Clerk, 513-3020; kbrooks@lewistonmaine.gov; Louis Lachance, Sanitarian/Code Enforcement Officer, 513-3000 ext. 3224; llachance@lewistonmaine.gov

The Clerk’s office provides permits & licenses. **Review, check all that apply, & provide detail as needed.**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SOUND AMPLIFICATION</strong></td>
<td>Yes</td>
<td>No</td>
<td>$17.00</td>
</tr>
<tr>
<td>Please describe: band stage reflected on map.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>OUTDOOR ENTERTAINMENT</strong></td>
<td>Yes</td>
<td>No</td>
<td>$50.00</td>
</tr>
<tr>
<td>Please describe: There will be live music</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FOOD</strong></td>
<td>Yes</td>
<td>No</td>
<td>$50.00</td>
</tr>
<tr>
<td>Food Truck Name</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Licensed to operate in Lewiston?</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td><strong>BBQ</strong></td>
<td>Yes</td>
<td>No</td>
<td>$25.00</td>
</tr>
<tr>
<td>Name of caterer if applicable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BEVERAGES</strong></td>
<td>Yes</td>
<td>No</td>
<td>$25.00</td>
</tr>
<tr>
<td>Outside Alcohol</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td><strong>PRODUCT</strong></td>
<td>Yes</td>
<td>No</td>
<td>$34.00</td>
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<tr>
<td>PEDDLERS/FLEA MARKET PERMIT</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>CARNIVAL</td>
<td>Yes</td>
<td>No</td>
<td>$180.00</td>
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<tr>
<td>CIRCUS</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>STATE PERMIT REQUIRED; has it been obtained?</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

**No discounts apply on alcohol permits.**

A PORTA POTTY IS REQUIRED FOR ALL EVENTS THAT INCLUDE ALCOHOL. (See pg. 2)

**CARNIVAL OR CIRCUS PERMIT REQUIRED** $180 per day x _____ number of days

Amount $_____

No discounts apply on carnival or circus permits.
RiverFest Day 1, June 17th

Kickball Fields
Kickball fields will be parked with temporary chalk lines and mobile bases, at regulation size. These will be in use from 8am-5pm Friday only.

Enclosed Beer Garden (snow fence)
Beer Garden approx. 200ft x 400ft, enclosed by snow fence with one point of entry where ID check and wristbands occur.

* Additional Parking at Bates Mill 5 and Chestnut municipal garages, and on-street.
RiverFest Day 2, June 18th

Regatta Spectator Area

Enclosed Beer Garden (snow fence)
Beer Garden approx. 200ft x 400ft, enclosed by snow fence with one point of entry. ID check and wristbands.

Food Trucks

* Additional Parking at Bates Mill S and Chestnut municipal garages, and on-street.
RiverFest Parking Plan June 17th-19th

Lincoln Street Parking Garage
Centerville Parking Garage
Chestnut Street Parking Garage
North Gravel Parking Lot*
Franco Surface Lot*

*Pending Agreements with Private Lot Owners
RiverFest 2022

RiverFest Event Description
The Lewiston Auburn RiverFest is a multi-day event occurring in the downtown areas of Auburn and Lewiston. The event is intended to draw visitors to the region, and to offer residents quality and fun activities to view and participate in over the course of three days. This event is located near and intended to highlight the recreational opportunities of the Androscoggin River. RiverFest is a collaboration with the cities of Auburn, Lewiston, Lewiston Rowing and the Lewiston Auburn Metropolitan Chamber of Commerce. The event is using specific elements to attract visitors. These include:

Lewiston Rowing’s Regatta 2.0: A full day regatta that is supported by local rowing clubs, and is advertised nationally and internationally within the rowing community. This event’s safety, registration, and execution will be managed by Amy Smith of Lewiston Rowing, and will offer registration pick up Friday afternoon, and registration and races Saturday throughout the day. This event will leverage Lewiston’s dock, amphitheater, and Simard-Payne Park.

Uplift LA Kickball Tournament: This event is organized and executed the Chamber’s Uplift LA Committee of rising professionals. This event will consist of registration at 8AM Friday, and two fields of play from 9AM-4PM Friday. This event will attract teams of 10-12 of employees and individuals from area businesses and social groups, and will culminate in an awards ceremony and social hour at 5PM. This event will feature food trucks licensed to operation in Lewiston during the lunch period, and live music at the stage in the early evening.

Open Paddle: This will be a sunset paddle from 4PM-Dusk Friday evening, with a canoe and kayak vendor on site, and organized paddle tours of the Androscoggin river and shore lines. Residents and visitors alike will be encouraged to use their own boating vessels during this free and open event (rental charges separate for those who require a vessel).

Evening Music and Beer Garden: Beginning at 5pm on both Friday and Saturday, the stage in Simard-Payne park will offer live music and music broadcasted and curated by WIGY 105.5. WIGY talent will be available onsite throughout the weekend’s festivities, with live remote broadcast still to be finalized. The LA Metro Chamber will be the licensed operator of the beer garden, which will serve beer from local breweries, cider, and wine; in accordance with laws and the BABLO permit. The Beer Garden will open mid-afternoon on Saturday, and the large size of the area noted on the attached maps provides for casual seating, lawn games, and various popup shade tents (using sandbags for stabilization).

Additional Activities: The multi day event will work with area organizations to offer family friendly activities, story book walks, historical tours, live performing arts, an artisans’ vendor fair, and more.
AGENDA INFORMATION SHEET: AGENDA ITEM NO. 6

SUBJECT:

Public Hearing and First Passage regarding amendments to the Administration Ordinance regarding amendments to the Housing Committee.

INFORMATION:

The proposed changes include revising the number of presentations made by the Housing Committee to City Council from twice a year to once a year in June or by City Council’s request.

Additional revisions include adding clarifying language to the Ordinance to identify that the Housing Committee will be making recommendations regarding housing-related issues and that the Committee will be monitoring, rather than assisting in, the implementation of any comprehensive plan adopted by City Council.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

HAH/kmm

REQUESTED ACTION:

That the proposed amendments to the City Code of Ordinances, Chapter 2 “Administration”, Division 7 “Housing Committee”, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting for final passage.
AN ORDINANCE PERTAINING TO HOUSING COMMITTEE

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 2 of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

CHAPTER 2

ADMINISTRATION

DIVISION 7. HOUSING COMMITTEE

Sec. 2-226. Duties

The Committee shall advise the City Council on housing-related issues, including:

(1) Monitor and assist in the implementation of the Housing recommendations outlined in the City's comprehensive plan, Legacy Lewiston, any comprehensive plan the City Council adopts, and recommend updates and revisions to that section of the plan;

(2) Monitor and assist in the implementation and evaluation of the City's rental registration program;

(3) Review and advise the City Council on residential development projects housing-related issues requiring actions by the City Council;

(4) Recommend measures the City might undertake to improve the quality and diversity of the residential housing stock in Lewiston;

(5) Review and advise staff and City Council on housing programs funded through the Federal Community Development Block Grant Program and other federal and state funding sources;

(6) Develop and recommend policies and guidance for ensuring safe, healthy, and lead free housing throughout Lewiston by 2043;

(7) Undertake other assignments as the City Council may request from time to time.

Sec. 2-229. Procedures.

(1) A quorum shall consist of at least six (6) members of the Committee.

(2) In the absence of rules and procedures adopted by the Committee by a majority of members present and voting, the Committee shall operate under Roberts Rules of Order.

(3) The City Administrator or designee shall be responsible for supporting the work of the committee and handling committee logistics.

(4) The Committee shall meet at least twice once a year with the City Council in June, or by City Council request, February and October.

Note: Additions are underlined; deletions are struck out.
Economic and Community Development

To: Honorable Mayor and Members of the City Council

From: Lincoln Jeffers, Director of Economic & Community Development

Re: Housing Committee Ordinance amendment

Date: March 10, 2022

The Housing Committee is an eleven-member committee charged with advising the City Council on the full range of housing issues facing the community with the goal of ensuring the quality and safety of the City’s residential housing stock, expanding the diversity of housing options and types, and providing safe and healthy housing alternatives for current and future residents of every socioeconomic status. The Committee was formed to carry on the work started by the Rental Registration Committee.

There has been a significant change in Committee members recently which led to it discussing the intent and duties of the committee overall. In its quest to identify next steps the Committee reviewed the current Council’s strategic goals related to housing in comparison with the duties of the Ordinance.

The Committee is currently required by Ordinance to present to the Council in February and October of each year, however, the Committee has found the timing challenging given that there are typically changes to Councilors beginning on January 1, and then the Council is facing potential changes again at the end of December. The Committee reached the conclusion that presenting once in June would allow adequate time for new Councilors to become adjusted and leave enough time for action to be taken before the potential end of one or more Councilor's term.

Additionally, the Committee spent time reviewing and discussing the duties assigned to them under the Ordinance. The members determined it would be useful to add clarifying language that specified their duties were focused on “housing-related issues”. The Committee further determined they would feel comfortable with language revised to direct them to monitor, but not assist, in the implementation of the housing recommendations of any comprehensive plan adopted by City Council.

Staff recommends the Council take action to approve this proposed amendment to Chapter 2 “Housing Committee” of the Code of Ordinances.
AGENDA INFORMATION SHEET:  AGENDA ITEM NO. 7

SUBJECT:
Public Hearing and First Passage for amendments to the Vehicles for Hire ordinance pertaining to licensing of taxi cab drivers.

INFORMATION:

The city ordinance requires the licensing of taxi cab businesses and taxi cab drivers. Several years ago, the city licensed over 100 taxi drivers annually. At present, there are eight licensed drivers. We believe this is due to the decrease in local cab companies, the increase in other forms of transportation and the difficulty many businesses have in finding employees.

For years, Lewiston’s ordinance matched Auburn’s taxi ordinance because the vehicles would travel between the two cities regularly and it was felt we should maintain the same standards for licensing procedures and so forth. Recently, Auburn amended their ordinances to eliminate the requirement for a separate taxi driver license as well as the requirement that the city conduct inspections on the vehicles themselves.

Lewiston city administration and police department are in support of the amendments to Lewiston’s ordinance.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

HAH/kmm

REQUESTED ACTION:

That the proposed amendments to the City Code of Ordinances, Chapter 82 “Vehicles for Hire”, Article II “Taxi Cabs”, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting for final passage.
AN ORDINANCE PERTAINING TO TAXICABS

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 82 of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

CHAPTER 82

VEHICLES FOR HIRE

ARTICLE II TAXICABS

DIVISION 1. GENERALLY

Sec. 82-28. Display of cards required. Reserved.

(a) All licensed taxicabs shall have cards of such size and form as may be required by the city clerk which shall show:

(1) The license number assigned to the vehicle by the city clerk and a statement to the effect that in cases of complaint, the city clerk shall be notified, giving the number of the taxicab license.

(2) The driver's identification card and number.

(b) The cards required by this section shall be displayed on the interior of the vehicle in clear view of the passenger and so placed or secured in the frame in which enclosed that they may not be easily tampered with or destroyed.

Sec. 82-31. Inspection; costs. Reserved.

(a) The city clerk shall have the power to designate such person and place of inspection as the city clerk may deem proper to determine whether taxicabs are being maintained in adequate repair.

(b) Whenever an inspection is made by a person designated by the city clerk, the cost of such inspection shall be paid by the owner of the taxicab.

Sec. 82-47. Application.

(a) Applications for licenses required under this division shall be filed in accordance with chapter 22. In addition to the requirements of that chapter:

(1) Taxicab business licenses:

a. Every application shall be signed and verified by each of the principal officers of the applicant if the applicant is a corporation, and in all other cases by all persons having actual ownership interests in the applicant.
If the applicant is a corporation, the application shall state the name and address and the date and place of birth of each of the principal officers of the applicant and of every person having management authority in the business of the applicant. In all other cases, the application shall state the name and address and the date and place of birth of every person having an actual ownership interest or having management authority in the business of the applicant.

b. A record of any disqualifying criminal conviction or a statement that no such conviction exists shall be provided.

c. The make, type, year, serial number and license plate number of each vehicle for which a taxicab business license is sought and the address of the garage or other terminal at which the vehicle will be stationed when not in service shall be stated.

d. A detailed description of the graphic design, insignia, working and coloring which will appear upon the vehicle, if licensed, shall be included.

e. The application shall contain an appropriate form of statement over the signature of each person signing the application, giving all persons and governmental agencies having information relevant to the above items permission to release the same to the clerk.

(2) **Taxicab drivers' licenses.** The taxicab driver's license shall:

a. State the age of the applicant;

b. Contain a complete statement of the applicant's health and physical condition;

c. Contain a complete record of the applicant with respect to any disqualifying criminal conviction or a statement that no such conviction exists;

d. Contain a record of convictions for reckless driving, driving to endanger, operating or attempting to operate under the influence during the year preceding the application; and

e. State whether any driver's license held by the applicant is presently revoked or has been revoked during the three years preceding the application and the reasons for such revocation or revocations.

(b) The application shall contain an appropriate form of statement over the signature of the applicant giving all persons and governmental agencies having information relevant to the items required under this section permission to release such information to the clerk and shall be accompanied by two photographs of the applicant of such size as the clerk may specify.

Sec. 82-48. Standards for denial.
In addition to those standards set forth in chapter 22, a license under this division shall be denied to the following persons:

(4) Taxicab business licenses.
   a. A corporation which is not licensed to do business in the state;
   b. An applicant other than the registered owner of the vehicle;
   c. A corporation if any principal officer thereof or any person having actual ownership interest therein has a disqualifying criminal conviction;
   d. An applicant, other than a corporation, if such applicant or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction;
   e. Any applicant whose taxicab business license has been revoked within the three years preceding the application; and
   f. Any applicant, if any person whose taxicab license has been revoked within the three years preceding the application, and who was a principal of any corporation whose taxicab business license has been revoked within the three years preceding the application, is or will be substantially involved in the ownership or management of the business.

The clerk shall make and keep a written record of every decision to deny an application for a taxicab business license in the manner required by 1 M.R.S.A. § 401 et seq.

(2) Taxicab driver's licenses.
   a. An applicant who has not attained the age of 18 years;
   b. An applicant who is unable to safely operate a taxicab or who presents a danger to the health, safety or general welfare to the public;
   c. An applicant who has been convicted of (a) any class A, class B or class C crime; or (b) a crime committed under the laws of the United States of America or of any other state or territory thereof, which is punishable (whether or not such punishment was actually imposed) by a sentence at least as harsh as that which is authorized for the commission of a class C crime under Maine law, provided that such conviction was for an offense which is rationally related to the purpose of licensing taxicab drivers;
   d. An applicant who has been given a disqualifying criminal conviction at any time during the five years immediately preceding application; or who has been imprisoned at any time during such period for a disqualifying criminal conviction; provided that such
conviction was for an offense which rationally related to the purpose of licensing taxicab drivers;

e. An applicant who has been convicted at any time during the three years immediately preceding application of reckless driving; driving to endanger; operating under the influence; operating after suspension of driver's license; attempting to operate under the influence; or an equivalent offense in any other jurisdiction; or whose privilege to operate a motor vehicle in any jurisdiction has been revoked at any time during such period for any reason;

f. Any applicant whose taxicab driver's license has been suspended, withdrawn or revoked within the three years preceding the application. If the driver's license was suspended, withdrawn or revoked due to nonpayment of state mandated child support or due to lack of personal vehicle insurance coverage, this standard for denial is not applicable;

g. Any applicant who does not possess a current and valid Maine driver's license;

h. Any applicant who has outstanding warrants of arrest in Maine or any other jurisdiction; and

i. Any applicant who is a convicted sex offender and who is required to register as a sex offender within the state.

The clerk shall make and keep a written record of every decision to deny an application for a taxicab driver's license in the manner required by 1 M.R.S.A. § 401 et seq.

Sec. 82-49. Inspection prerequisite to issuance. Reserved.

(a) Before a taxicab license shall be granted, all taxicabs shall be thoroughly inspected in regard to mechanical condition and general appearance.

(b) Every person operating a taxicab shall present such taxicab for inspection whenever the city clerk may require it.

Sec. 82-53. City clerk's power to suspend.

(a) Business or driver's license. In addition to the grounds for suspension or revocation of licenses set forth in chapter 22, either a taxicab business license or a taxicab driver's license may be suspended or revoked upon a determination that the licensee:

(1) Knowingly took a longer route to his destination than was necessary, unless so requested by the passenger;

(2) Knowingly conveyed any passenger to a place other than that which the
passenger specified;

(3) Transported any person other than the passenger first engaging the taxicab without the express consent of such passenger;

(4) Drove a taxicab when not clean and neat in appearance;

(5) Refused to transport any orderly person upon request unless, in the case of a single taxicab business, the taxicab is engaged, or in the case of a taxicab business operating more than one taxicab, all taxicabs operated by such business and then in service are engaged. If no taxicab is available at the time when a request for taxicab service is telephoned to a dispatch service, the dispatch service shall arrange with the caller for transportation by the next available taxicab using such dispatch service unless the caller expressly declines to make such arrangement;

(6) Charged more than the maximum fare specified in this article; or

(7) Failed to notify the clerk of any change of any material fact set forth in the application for such license; or

(8) Removed from a taxicab or obscured or caused to be removed from a taxicab or obscured the notice required by section 82-28.

(b) Taxicab drivers' licenses only. In addition to the provisions of subsection (a) of this section, a taxicab driver's license may be suspended or revoked upon the determination that the driver:

(1) Engaged in any loud argument, fight or other disturbance; harassed, threatened or assaulted another person; intentionally damaged, destroyed or threatened to damage or destroy any property; or in any other manner engaged in conduct detrimental to the orderly and efficient transportation of passengers;

(2) Is unable to safely operate a taxicab or presents a danger to the health, safety or general welfare to the public;

(3) Has been convicted or adjudicated of a disqualifying criminal conviction at any time since such license was last issued or renewed; or

(4) Has been convicted at any time since such license was last issued or renewed of reckless driving; driving to endanger; operating under the influence; attempting to operate under the influence; or an equivalent offense in any other jurisdiction; or whose privilege to operate a motor vehicle in any jurisdiction has been revoked.

Maximum suspensions of taxicab driver's licenses shall be as follows: Five days for the first violation, 14 days for the second violation, 30 days for the third violation within a one-year period. Fourth violations shall result in revocation of the taxi driver's license and may be the basis for further action with respect to the taxicab business license.
(e)(b) Taxicab business licenses. In addition to the provisions of subsection (a) of this section, taxicab business licenses shall be subject to suspension or revocation where it is determined that there have been repeated violations by the driver or drivers thereof which resulted in four or more suspensions for similar conduct by the same driver, or eight or more suspensions by employees of the same person holding more than one taxicab business license for similar conduct, establishing a pattern of conduct by the holder of the taxicab business licenses.

(d) Either license. Notwithstanding the foregoing provisions of this section, a taxicab business or driver’s license may be suspended or revoked if a licensee used, or allowed another to use, a taxicab in connection with, or to promote or solicit for, any unlawful business or activity.

Sec. 82-54. Right to appeal from suspension or denial; procedure. Reserved.

Any applicant or licensee under this division aggrieved by an order of suspension or denial shall have the right to appeal, provided such applicant or licensee submits an application to the board of appeals a request for a hearing. The board of appeals shall have the power to temporarily suspend, revoke or deny a taxicab driver’s license when operation by the license holder presents a danger to the health, safety or general welfare of the public. After such hearing, the board of appeals may affirm, modify or vacate the order of suspension appealed from.

Note: Additions are underlined; deletions are struck-out.
SUBJECT:
Amendments to the Excavation and Street Opening Policy.

INFORMATION:
The Excavation and Street Opening Policy was last revised on February 25, 2014. Overseeing the work under the current policy has been difficult to enforce especially for the smaller driveway contractors and utilities. The improved language will clarify expectations, provide deterrent’s, and give incentives for any contractor doing work in our right of ways to provide quality, lasting work.

The quality of replacing pavement on the disrupted trenches has been inconsistent with state standards/best practices and ineffective in lasting the three year period. The proposed updates will improve the durability of these repairs resulting in less settling of the trenches during the winter/spring season.

Over the past seven years, staff has run into problems with enforcement with the current language and fee structure, especially with the smaller pavement contractors and utility companies. With stronger rules/fees, we anticipate greater compliance. The goal is to prevent dangerous work sites during the project and/or leaving insufficient work behind after the work is completed.

These proposed changes will result in a cleaner, safer work zone and more efficient inspections ensuring the highest quality repair possible to extend the life of the roadway.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:
The City Administrator recommends approval of the requested action.

HAH/kmm

REQUESTED ACTION:

To approve the proposed amendments to the Excavation and Street Opening Policy.
Excavation and Street Opening Policy

I. Introduction

1. Purpose

The purpose of this policy is to:

A. Ensure compliance with the Underground Facility Damage Prevention Requirements of the latest revision of the Public Utilities Commission Chapter 895 and the State of Maine Title 23, MRSA §3360-A.

B. Provide Contractors and utilities with the permitting procedures and other documentation requirements for complying with the City’s Excavation and Street Opening Policy.

C. Provide repair and maintenance requirements for restoring excavations and street openings in the City’s Right of Ways, to protect the general public and minimizing long term maintenance costs.

2. Definitions

Unless otherwise expressly stated, the following words for the purpose of this policy shall have the meaning herein indicated:

A. City shall mean the City of Lewiston or its designated official and /or employee.

B. Engineer shall mean the City Engineer or a duly authorized representative.

C. Director or Director of Public Works shall mean the Director of Public Works or an authorized representative. The Director of Public Works or Deputy Director of Public Works or the City Engineer, may exercise the authority of the Road Commissioners or Commissioners of Public Works under any applicable state laws.

D. Excavation shall mean any operation in which earth, rock, or other material below the surface of the ground is moved or otherwise displaced, by means of power tools, power equipment, or explosives and including digging, ditching, grading, trenching, drilling, auguring, tunneling, scraping, saw cutting of pavement, and cable or pipe driving, excluding tilling of soil and gardening or any agricultural purposes and the maintenance grading of Municipally accepted roads.

E. Emergency excavation shall mean any situation where immediate excavation is necessary to prevent injury, death, or to restore the loss of an existing vital service.

F. Person or Applicant shall mean any Person, business or organization, and any affiliated member of any kind including employees, shareholders/partners, etc.
G. Newly paved or constructed street or sidewalk shall mean any City street or sidewalk, which has been paved, repaved, constructed, or reconstructed within the past five (5) years.

H. Structures shall mean culverts, catch basins, manholes, walls, sewers, sewer services, water lines and services, gas lines and services, electrical lines and services, telephone lines and services, under drains, cellar drains, hydrants, cable television conduits, traffic signal loops, street light circuits, railroad signal wires, oil lines, etc.

I. Utility shall mean any company, corporation, quasi-municipal organization which supplies some widespread service to the public and may or may not be under the direction of the Public Utilities Commission.

J. Vital structures shall mean fire hydrants, fire alarm box, manholes, catch basins, traffic signals and boxes, cables, etc.

K. Infrared Process shall mean the process of reheating an existing recently paved asphalt surface, adding more Hot Mix Asphalt if needed, raking and rolling the material to remove the joint in the asphalt surface.

L. Dig Safe™ shall mean the process of notifying Dig Safe™ prior to any excavation and all the procedures associated with the Maine State "Underground Protection of Facilities Act" found at 23 MRSA §3360-A.

M. Hot Mix Asphalt (HMA) shall mean Maine DOT approved hot plant mixed bituminous pavement, commonly used as base, surface or shim pavement on City streets as directed in standard City specifications.

N. Aggregate Sub base and Base shall mean Maine DOT approved aggregate for sub base or base construction of streets and roads consisting of screened or crushed gravel of hard durable particles free from vegetable matter, lumps or balls of clay and other deleterious substances. Specifications for grain size shall be specified in the most recent City Maine DOT Specifications.

O. Arterial and Collector streets within the City are identified in appendix A.

II Excavation Policy

1. Excavation Permit

A. The City will issue annual excavation permits to Contractors/Excavators for all work within the City limits, for one calendar year for a fee of $580.00 $600.00. If an annual permit is purchased before March 1, the fee for the permit shall be $500. The Applicant shall have the option of obtaining a single occurrence, 30 day duration, excavation permit for a fee of $58.00 $60.00 each.

B. Prior to issuing the permit the Applicant shall provide the following information;
1. A valid Dig Safe number for the project to be started.
2. A valid certificate of insurance for the Contractor performing the work.
3. A traffic control plan for the project showing how traffic and or pedestrians will be allowed to pass through the work zone if required.
4. The Applicant shall be current on all financial obligations to the City

C. Excavation Permits shall be required for anyone who may be excavating anywhere within the City Limits of Lewiston Maine. All Subcontractors doing excavation work shall be required to have their own excavation permit for their work to be performed. Individual homeowners working on their own property **without powered equipment** shall not be required to obtain an excavation permit. **Costs associated with the excavation permit program do not include street opening fees. The street opening fees are to cover the City's administrative and inspection costs.**

D. Each excavation within the City limits shall be done in accordance with the Underground Facility Damage Prevention Requirements of the Public Utilities Commission Chapter 895 and State of Maine Title 23, MRSA § 3360-A, and shall be conducted in strict compliance with the latest OSHA, Federal, State and Local regulations for excavations.

E. When obtaining an excavation permit, annual or individual, the Applicant shall furnish evidence satisfactory to the Director or his Designee that he/she has in force public liability insurance with the underground (U) or collapse (C) exclusion clause in effect for each operation in amounts described below. Said insurance coverage is to be in force for the period covered by the permit.

   - Bodily Injury Liability $500,000.00 Combined Single Limit
   - Property Damage Liability $100,000.00 Combined Single Limit

Under special circumstances, higher limits may be required. Homeowners are not required to have this insurance when they are performing their own excavation on their own land **with powered equipment.** They must however first follow the proper Dig Safe™ procedures and obtain an excavation permit from the Business Office at Lewiston City Hall.

F. Excavation of graves in designated sites will not require a permit. All other excavation or grading in designated cemeteries shall require a single occurrence excavation permit as a minimum.

G. In the event of an emergency, the Excavator shall first call in an Emergency Dig Safe™ and then follow the procedures on page eight (8) section four (4) of this policy.

H. The City shall have the right to inspect all aspects of the excavation process on public or private property.
I. The City shall have the right to revoke an excavation permit if any other necessary City, State or Federal permits have not been obtained, or if the Applicant is not in compliance with applicable City, State or Federal rules, laws or regulations, or is deemed by the Director to be a threat to public safety.

J. Failure of an Excavator to follow the standards outlined in this policy shall result in a written warning for a first offense. If the Applicant fails to follow these standards within one (1) year of the written warning, he or she shall receive a $526.00 $500.00 fine for the second offense, with a $500 fine for each day consequently until the violation is rectified, along with a suspension of excavation permit until fine is paid in full. If a third offense occurs, a $2500 fine with a $500 fine for each day consequently until violation is rectified, and revocation of Excavation Permit for the remainder of the calendar year, unless otherwise specified. See section 7 of this policy for policy details.

III Street Opening Policy

1. Street Opening Permits

A. A street opening permit shall be required for any excavation performed within a city right-of-way, and a fee will be charged for this permit. Proper performance of the work shall include, but is not limited to, the repair or replacement of any public or privately owned property damaged while performing the work.

B. Maintenance of excavations within any City right-of-way shall be the responsibility of the Applicant for 36 months from the date of inspection by the City. Any settlement or other pavement defects of the excavation surface shall be deemed as unsatisfactory work by the Applicant. If the Applicant neglects or refuses to repair any substandard work after notification by the City during the thirty-six (36) month period, he or she shall be considered in violation of the city’s Excavation Policy. The City shall send the Applicant This notice shall serve as an official written warning at this point. The City may complete any necessary repairs within twenty-four (24) hours of the Applicant’s notification. The Applicant shall be liable for the entire cost of said repairs plus 15% for inspection fees. No additional street opening or excavation permits will be issued to the Applicant until the City has been reimbursed for the repairs and any fees that may be assessed. If the Applicant has an annual excavation permit, it will be revoked suspended until the City is reimbursed for the cost of the repairs.

C. Street Opening permits will normally be issued between April 1st and December 1st November 15th. Between December 1st November 15th and April 1st Street Opening Permits shall normally be for emergencies only. If an Applicant needs to open a street during the winter months he or she shall first obtain the permission of the Director of Public Works or representative prior to proceeding. All paving done after November 15 shall be considered temporary pavement, and will need to be repaved in the spring.

D. Contractors planning to occupy parts of a street or sidewalk on arterial, collector streets shall be required to follow the procedures in the City’s Street and Sidewalk Occupancy Policy. Permits to Occupy City streets or sidewalks are available at the Business Office
at Lewiston City Hall. **Failure to comply with this policy could result in a $100.00 fine, enforced daily.**

E. When working on an arterial, collector or when required by the Director the Applicant shall submit a written traffic control plan in compliance with the Manual on Uniform Traffic Control Devices (MUTCD). The traffic control plan shall specify signage that is to be used and where it is to be placed. Any barricades, cones or other devises shall be included in the drawing. Any detours for traffic or pedestrians shall be clearly laid out with appropriate detour signage. The traffic control plan, when required, shall be submitted to the Business Office at Lewiston City Hall, and approved by the Director or a Duly Authorized Representative prior to any work taking place. The Director can order that this plan be prepared by a traffic engineer and stamped by a Professional Engineer or require the presence of a uniformed police officer. The Applicant shall be responsible for the cost of all traffic control.

F. All work on certain major arterials, as listed below shall be performed at night or on weekends with approval from the Director. Any minor work that the Director may approve for day work shall not be performed between the hours of 7:00 A.M. and 9:00 a.m. or 3:00 p.m. to 7:00 p.m.

Canal St.  
Cedar St.  
Lincoln St. – Main to Cedar  
Lisbon St. – Main to Westminster  
Main St. – Longley Bridge to Veteran's Bridge  
Sabattus St. – Main to Randall Rd.  
Russell St

G. Any Contractor desiring to close a street shall complete an application for road closure, and submit a traffic control/detour plan, to the Business Office at Lewiston City Hall. Road closure requests shall be submitted for approval at least **48 hours** prior to the road closure. The Business Office shall electronically send all Street Closure requests to Police Department, Fire Department and the Public Works Department for approval. **Failure to comply with this policy could result in a $100.00 fine.**

H. Excavation and Repair Standards

1. All excavations on paved streets and sidewalks shall be pre-cut in neat straight lines with approved pavement breakers or saws. Saw cuts in streets shall be perpendicular or parallel to the flow of traffic. **A 12” grind must be made along all outside edges of cut pavement, at a minimum depth of 1”, to match into existing pavement, according to the attached Trench Paving Detail. Failure to comply with this standard shall be considered unsatisfactory work, and could be considered a violation of the excavation policy.**

2. All excavations in existing pavement within thirty-six (36) inches of the edge of pavement or curb shall require the removal and replacement of all old asphalt completely to the shoulder or curb at no cost to the City.
3. Certain types of pavement breakers may be prohibited by the City when the use endangers existing substructures or other property or does not meet the trench finish requirements.

4. Pavement edges shall be trimmed to a vertical face. The width of the trench prior to pavement replacement shall be consistent the entire length of cut. The trimmed edges shall not vary by more than three (3) inches for every ten (10) linear feet of cut. An approved bituminous tack material shall be applied to all edges of existing pavement to ensure the new patch has a water tight bond with the old pavement.

5. An additional six (6) inches of pavement shall be removed from all sides of the excavation measured from the edge of the excavated trench. Unstable or damaged pavement shall also be removed from the perimeter of the excavation.

6. When multiple patches are required in a distance of seventy-five (75) feet or less the Applicant shall be required to grind the entire area encompassing all of the multiple excavations and the area between a minimum of 1” inch in depth and overlay the entire area repaving as one trench. In cases where the existing pavement is in poor condition the Director may modify or waive this requirement.

7. The joint of an asphalt patch for a street excavation shall not fall within the wheel path of a vehicular travel lane. In such cases the excavation shall be enlarged to the center of the lane or adjacent lane.

8. Feather joints shall not normally be acceptable for overlays of old patches on arterials or collector streets. Repairs are to be made by grinding to the desired depth and then matching in with new pavement.

9. All granite pavement blocks, granite curb or cobblestones in the way of excavations shall be removed by the applicant prior to the commencement of work. The Applicant shall transport the material to a storage site to be designated by the City, except when the items are part of the surface restoration. All excavated granite blocks, concrete pavers, granite curb and cobblestones remain the sole property of the City. The Contractor shall be responsible for any damage to the material during excavation or transportation.

10. The Applicant shall be responsible for the cost to replace any street markings or traffic loops disturbed by the work. The repair or replacement work shall only be done by a Contractor approved by the Director.

11. The maximum permissible length of open trench in an excavation at any time shall be two hundred feet (200’). No greater length is to be opened for pavement removal, excavation, backfilling, repairing or any other operation without the express written permission of the Director.
12. After any Contractor does any test boring or other boring in any street or sidewalk He or She shall be responsible for plugging or patching the holes in a manner satisfactory to the Director or his representative. Any test holes left in the street, unrepaired for more than thirty (30) days shall be considered a violation of the City’s Excavation Policy.

13. The Applicant shall not remove, even temporarily, any trees or shrubs, which exist in any street right of way without first obtaining the written consent of the City Arborist. The City Arborist shall be notified of any trees that are damaged. The Contractor shall be responsible for the repair or replacement of any damaged trees.

2. Fee Schedules

A. A street opening permit fee shall be charged for all work performed within the City right-of-way. These fees are to cover the City’s inspection and administrative costs associated with the street opening permit program. The fee structure is intended to reasonably reflect a permittee’s proportionate share of such costs. The City will periodically review these fees and fee structure. In the event the fees assessed fail to reasonably reflect the City’s inspection and administrative costs, or Applicant’s share of such costs are substantially disproportionate, the City will revise the fee amounts or fee structure accordingly. The tiered fee schedule is established to reflect the complexity of projects associated with each type of street and the fee shall be based according to the following unit rates. A list of arterial and collector streets is provided in Appendix A of this policy. In every individual case, however, a minimum fee of $58.50 $100.00 shall be required, but in no case shall the amount of fee charged exceed $1735.00 $2500.00.

B Schedule (1) is for applicants who chose to perform the repairs and maintain the excavation for the full thirty-six (36) month duration.

Schedule 1
INSPECTION AND MAINTENANCE FEE

<table>
<thead>
<tr>
<th>Street Pavement</th>
<th>2 to 25 S.Y.</th>
<th>Over 25 S.Y.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial</td>
<td>$16.50</td>
<td>$20.00</td>
</tr>
<tr>
<td>Collector</td>
<td>$10.20</td>
<td>$15.00</td>
</tr>
<tr>
<td>Residential/Rural</td>
<td>$6.90</td>
<td>$10.00</td>
</tr>
<tr>
<td>Gravel</td>
<td>$1.65</td>
<td>$3.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalk Pavement</th>
<th>2 to 25 S.Y.</th>
<th>Over 25 S.Y.</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Concrete</td>
<td>$16.25</td>
<td>$20.00</td>
</tr>
<tr>
<td>Brick or Pavers</td>
<td>$13.20</td>
<td>$15.00</td>
</tr>
<tr>
<td>Asphalt</td>
<td>$3.85</td>
<td>$10.00</td>
</tr>
<tr>
<td>Gravel</td>
<td>$1.65</td>
<td>$4.00</td>
</tr>
</tbody>
</table>
3. **Special Conditions  Fee Exemptions**

- On a street or road scheduled for major reconstruction the City may waive the street opening fees for Utilities or Contractors performing work in these areas until the said base pavement has been installed.
- On streets where the existing pavement is in very poor condition and an applicant has completed a private utility project, the City may waive up to one hundred (100) percent of the Street opening fees.
- There shall be no street opening fee for utility pole installation in grass or esplanade area as long as the excavated area is cleaned up and restored back to its original condition. If the area is not properly restored there shall be a minimum fee charged to the Applicant.
- The City shall waive street opening fees for work done under contract to the City, Maine Department of Transportation (Me DOT) or the Maine Turnpike Authority (MTA).

4. **Emergency Permits**

A. In the event of an emergency, the Excavator shall follow Dig Safe™ emergency procedures, outlined in the latest revision of the State of Maine Title 23, MRSA §3360-A. When Contractors are excavating in emergency circumstances they may complete the work without obtaining a street opening permit. They are however, required to obtain a City Excavation Permit and or Occupancy Permit if required after the emergency situation is corrected, **within 5 business days**.

5. **Protection of the Public**

A. All excavations within the right of way shall have work zone traffic control as outlined in the latest version of the MUTCD. This shall include proper guards or barricades, signs, traffic cones and traffic flaggers. All excavations or other jobsites shall be maintained safe for vehicular and pedestrian traffic at all times.

B. Work flood lights and flaggers with lighted traffic control devices may be required during periods of reduced visibility or at night to protect the public from hazard. When flaggers are used at night their stations shall be properly illuminated and they shall be supplied with the equipment required by the most recent version of the MUTCD. The lights shall be positioned to illuminate for the work zone without impeding the vision of passing motorists.

C. If the work is to take place on major arterial streets, the work shall be done at night or
during week-ends as approved by the Director to reduce conflict with traffic. The Director may waive this requirement in special circumstances.

D. Each Applicant shall conduct and carry out the excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and residents of the neighboring property. All material excavated from trenches piled adjacent to the trench or in any street shall be piled and maintained in such manner as to minimize erosion, and not endanger those working in the trench, pedestrians or passing motorists. Any materials placed or stored within a travelway shall be barricaded in compliance with the latest MUTCD standards. Where the confines of the street being excavated are too narrow to permit piling of excavated material beside the trench, the City shall have the authority to direct the Applicant to haul the excavated material to a storage site and then haul it back to the trench site prior for backfilling. It shall be the Applicant’s responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites. The Contractor shall also meet BMP’S for non point source pollution control.

E. To the fullest extent possible the Applicant shall take appropriate measures to reduce noise, dust, and unsightly debris in the performance of the work. Work shall be performed between the hours of 7 AM to 7 PM. Work scheduled outside of these hours shall have the approval of the Director.

6. **Right to Inspect**

A. The City shall have the right to inspect all aspects of the excavation process on public or private property including, but not limited to, the excavation of earth, backfilling, and placement of temporary and permanent pavement. When required by the City, the Applicant shall provide the following materials testing data:

1. Samples of materials sufficient for testing that are to be used for aggregate road base or sub base construction.
2. Results of lab grain size analysis testing for sub base/base.
3. Results of in place density testing of any road base or sub base.
4. Mix design and per cent asphalt content of any HMA used on the project.
5. Thickness and density testing results of pavement on the project.
6. All pavements shall meet the latest City/Me DOT specifications for HMA.

B. It shall be the duty of the Applicant to guarantee and maintain the site of the excavation work in the same condition, or better than as it was prior to the excavation for thirty-six (36) months after the date the work is accepted by the City.

C. The City shall have the right to revoke an Excavation, or Street Opening Permit, if any other necessary City, State or Federal permits have not been obtained, or if the Applicant is not in compliance with applicable City, State or Federal rules, laws or regulations, or is deemed by the Director to be a threat to public safety.

7. **Penalties**
A. Failure of an Excavator to follow the standards outlined in this Policy shall result in a written warning for a first offense. If the Applicant fails to follow these standards within one (1) year of the written warning, he or she shall receive a $526.00 fine for the second offense, with a $500 fine for each day consequently until the violation is rectified, along with a suspension of excavation permit until fine is paid in full. No excavation or street opening permits shall be issued, and privilege to excavate shall be revoked until this fine is paid. If the Applicant fails to follow these standards within one (1) year of the second offense, He/She shall receive a second fine of $2500 fine with a $500 fine for each day consequently until violation is rectified, and have all excavation and street opening privileges revoked for a six (6) month period the remainder of the calendar year. Potential offenses could be, but are not limited to substandard work, excavation without street opening permits, excavation without an excavation permit, and failure to make repairs in a reasonable amount of time.

8. Newly Constructed and Paved Streets

A. To maintain the best travel surface feasible, there shall be no excavation on newly paved or substantially repaired streets for a period of five (5) years except in emergency situations. If a City street absolutely must be opened to restore an existing essential utility service within the five (5) year moratorium, the City may issue a street opening permit. The following conditions for street restoration shall apply:

B. If the repair can be performed by excavating in one lane and not excavating across, the centerline of the street or road then the patch is to be paved with binder and surface flush with the existing surface pavement for the first year. The next year the Applicant shall return and mill one (1) foot wider than the original patch in all directions approximately one (1) inch in depth. This is to be paved with surface pavement flush with the existing pavement. The Applicant's 36 months of maintenance responsibility for the patch shall begin when the City inspects and accepts the final street restoration.

C. If the Applicant is required to must excavate or trench across the centerline of the a newly paved street or road, the patch is to be paved with binder and surface flush with existing surface pavement for the first year. The next year the Applicant shall return and mill the original patch curb to curb the full width of the street a distance of twenty (20) feet from the furthest outside edge of the original street opening approximately one (1) inch in depth. The cold planed area shall then be repaved with one (1) inch of surface pavement utilizing a paving machine and compaction equipment in compliance with the most recent Me DOT and City specifications.

D. If any street opening overlaps the edge of a previous street opening, on a moratorium street, the City may require the Applicant to cold plan and repave the full width of the road to the furthest edge of that previous repair. The permit fee will be based upon the type of pavement (arterial, collector, residential, sidewalk, etc) and the total area of the...
The Director, may require excavations that are performed during the five (5) year moratorium be treated with the infrared process or other approved method.

E. In all cases involving a Moratorium Issue the Director or his/her representative shall approve the repair procedure, type of HMA, and required paving equipment.

F. To prevent unnecessary excavation after reconstruction or repaving, the City will issue a minimum 60-calendar day notice to the potentially concerned utilities, and adjacent property owners prior to the roadway being repaved.

9. Backfill Methods

A. Backfilling material in any street opening or excavation shall be compacted to a degree equivalent but, not less than the undisturbed ground in which the trench was dug, or 95% of relative maximum compaction, whichever is greater. Compaction of the layers of fill shall be done by mechanical tampers, vibrating plate compactors, or by trench rollers as required by the soil in question and sound engineering practices. Aggregate sub base and base material shall be sand or gravel consisting of hard durable particles free of vegetable matter, lumps or balls of clay. All aggregate sub base and base material shall meet the latest MDOT and City specifications.

B. Backfill material shall be placed in lifts eight (8) to ten (10) inches. Aggregate sub base shall be fifteen (15) inches for residential streets, twenty-one (21) inches for collector streets and twenty-seven (27) inches for and arterial streets and aggregate base shall be three (3) inches for all streets.

C. The City may shall require the Applicant to provide soil gradation tests performed by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when the City deems necessary for all excavations within the city right of way. Gradations shall be on all aggregate subbase (MDOT 703.06 Type D) and aggregate base (MDOT 703.06 Type A). Material shall meet Maine DOT specifications. In order for the resurfacing to be permitted, such tests must show that the backfill material meets the minimum requirements prescribed by the City. All expenses of such tests shall be borne by the Applicant. The City reserves the right to test the material, and if it does not meet specification, the cost to remove and replace the material shall also be the responsibility of the Excavation or Contractor.

D. When backfilling is done by controlled density backfill, also known as flow able fill, the fill shall not exceed 125 psi after 28 days and shall be capable of being excavated. The excavation shall be properly protected until the material has "set-up" any and all protection shall conform to Federal and State MUTCD standards. When backfilling, the Applicant shall consider hydrostatic pressures and brace structures accordingly. The flow able fill shall contain the water reducing and air-entraining admixture "DaraFill" as manufactured by Grace Construction Products of
Cambridge, MA or approved equal. This method may be used during winter excavations, or when there are no feasible mechanical methods to backfill and compact.

10. Excavation Maintenance

A. The Applicant shall prosecute with diligence and expedite the completion of the excavation work to restore the street as specified in Section 9 of this policy. The Applicant shall perform such restoration work so as not to obstruct, impede or create a safety hazard.

B. Unless otherwise authorized by the Director, temporary resurfacing of streets shall consist of a cold patch when HMA is not available or HMA pavement at a minimum depth of three (3) inches. All temporary HMA shall be compacted so that it is hard and smooth enough to be safe for pedestrian travel on sidewalks, and vehicular traffic on streets traveling at a normal rate of speed for the street or road involved. The Applicant shall maintain the temporary paving and trenches throughout the winter season as needed. Poor maintenance of any utility excavation at any time shall be considered a violation of the City’s Excavation Policy. All cold patch or other temporary pavement installed during winter excavations shall be removed and replaced with permanent Hot Mix Asphalt (HMA) meeting Me DOT Specifications no later than June 15.

11. Surface Restoration

A. Permanent resurfacing of excavations in streets and sidewalks shall be the responsibility of the Applicant. When possible resurfacing shall normally be completed the same day the excavation is compacted to finish grade. The replacement of existing bituminous pavement shall be done with HMA meeting the requirements of the latest Me DOT and City specifications. When small excavations are resurfaced by hand, the compacted pavement thickness shall not exceed two (2) inches in depth for any layer of pavement. For machine paving the maximum compacted thickness for a single course of pavement shall be three (3) inches. The thickness of base pavement requirements for the types of streets listed is as follows: Arterials five six (5 6”) inches, Collectors three five (3 5”) inches and residential streets two and a half and a half three (2.5 3”) inches. Arterials and collectors normally require one and one half (1 ½) inches of surface pavement and residential streets normally require one and a quarter (1 ¼) inches of surface pavement. The surface of the replacement pavement shall match the grade and type of the surrounding pavement. All (HMA) pavement used on City Streets shall be a Me DOT approved mix design.

B. When an area to be repaved exceeds one hundred (100) square yards, resurfacing shall be accomplished using self-propelled paving equipment complying with the latest MDOT and City specifications. All joints shall be cleanly saw cut with an
approved mechanical pavement saw prior to removal of the old pavement. The Director may require the surface of the new pavement to be infrared treated when completing permanent repairs if necessary due to a mismatched joint or other surface defect. The infrared or other approved process is If repairs are required, to shall be performed on arterials and collectors, they shall be completed not less than six (6) months or more than twelve (12) months from the date of resurfacing.

C. Replacement of Portland cement concrete pavement shall be with an approved Portland cement concrete mixture and with reinforcement, thickness and contraction joints equal to that which was removed during the excavation. The City Engineer shall provide the specific requirements for the project.

D. The restoration of existing grass areas, shall be to backfill with clean fill in compacted 12 inch lifts with the final six (6) inches back filled with a screened loam to match existing. A grass mix approved by the City Engineer shall be used. The Applicant shall be responsible for grass growth within two (2) months of planting or by June 15 of the following year for replanting work done after September 15. The Director may require an erosion control mesh, sod or other restoration method to be placed under special conditions, such as steep slopes and drainage ditches. The Contractor will comply with erosion control standards required by the Maine Department of Environmental Protection and the City.

E. Repair of existing brick or concrete paver walkways shall be made with the existing stones that have been removed prior to any excavation. All brick or concrete pavers damaged by the Contractor shall be replaced in kind at the Contractor's expense. The replacement aggregate base shall be compacted over a woven geotextile. The pavers shall be placed on a one inch thick sand layer consisting of 100% passing a 3/8 inch sieve, but not more than 3% passing a No. 200 sieve. The pavers shall be compacted into place with a vibrating plate compactor. The Contractor shall be responsible for the paver replacement for a twenty-four (24) thirty six (36) month period for damages relating to poor compaction and paver placement. This work shall be done in accordance with the Standard City Specification for Concrete & Brick Pavers.

E. Repair of existing brick and concrete paver walkways on Lisbon Street from Chestnut Street to Main Street shall be made with the existing stones that have been removed and cleaned prior to any excavation. The specific repair procedure, methods of work and materials shall be specifically approved by the Director of Public Works or the City Engineer.

12. Utility Pole Installation

All newly installed utility poles must have spoils from installation removed on the same day as installation. Failure to do so shall be a violation of the excavation policy, and could result in a $500 fine per day until cleaned up.
Appendix A

Federal Highway Administration Functional Classification of Lewiston Streets

Arterial Streets
Alfred A. Plourde Pkwy. - Webster Street to Apple Road
Ash Street - Canal St to Sabattus St.
Bartlett Street - Oak Street to East Avenue
Bates Street - Main Street to Pine Street
Canal Street* - Main St to Lisbon St.
Cedar Street* - Lisbon St. to Auburn City line
Central Avenue - Sabattus Street to Russell Street
College Street - Bartlett Street to Montello Street
East Avenue - Lisbon Street to Montello Street *
Fair St. - Mollison Way to College Street
Farwell Street - Webster St to Connector Rd.
Goddard Rd. - River Road to Alfred Plourde Pkwy.
King Ave.- Main St. to Mollison Way
Lincoln Street - Main Street to River Road *
Lisbon Street* - Main St. to the Lisbon Town Line
Main Street* - The Auburn City Line to the Green Town Line
Mollison Way - Main St to King Ave.
Montello Street - Main Street to East Avenue
Pine Street - Canal St to Sabattus St.
Pleasant Street - East Avenue to Lisbon Street
Pond Road - Webster Street to Sabattus Street
Russell Street* - Sabattus St to the Main St.
Sabattus Street* - Main St to the Sabattus Town Line
Scribner Blvd. - Lisbon St to Webster St.
South Avenue - Lincoln Street to Lisbon Street
Vietnam Veterans Bridge, incl. ramps
Webster Street - Sabattus Street to Pond Road

* Major Arterial

Collector Streets
Adams Ave.
Alfred A. Plourde Pkwy. - Apple Road to River Road
Apple Road - Alfred A. Plourde Pkwy to Ferry Rd.
Bates Street - Pine Street to Maple Street
Bates Street - Main Street to High Street
Birch Street - Park St to Jefferson St.
Blake - Main Street to Oak Street
Central Avenue* - Russell Street to Montello Street
Chestnut Street - Lincoln Street to Park Street
College Street - Montello Street to Town Line
Commercial Street - Ferry Road to Pleasant Street
Crowley Road - South Lisbon Rd to the Sabattus Town Line
Ferry Road - Apple Road to Commercial Street
Forrestal Street - Webster St to Westminster St.
Grove Street - Sabattus St.to the Sabattus Town line
High Street - Bates Street to Main Street
Hogan Road - Montello St to Stetson Rd.
Jefferson Street - Sabattus Street to Birch Street
Lexington Street - Alfred A. Plourde Prky to Saratoga St.
Maple Street - Bates Street to Canal Street
Middle Street - West Bates Street to Oak Street
Montello Street - East Avenue to Old Greene Road
North Temple Street - Sabattus Street to Old Green Road
Oak Street - Sabattus Street to Park Street
Old Greene Road - Sabattus Street to Montello Street
Old Lisbon Road - Webster St to South Lisbon Rd.
Park Street – Main St to Adams Ave.
Pleasant Street - Lisbon Street to Commercial Street
Randall Road - Sabattus Street to Grove Street
River Road - Alfred A. Plourde Pkwy to Lincoln Street
Riverside Street - Summer Street to Main Street
Saratoga - Forrestal St. to Enterprise St.
South Avenue - Lisbon Street to Pleasant Street
South Lisbon Road - Old Lisbon Road to Lisbon Street
Stetson Road - Main St to Hogan Rd.
Summer Street - Riverside Street to West Bates Street
Walnut Street - Bates St to Webster St.
Webber Avenue - Webster Street to Pleasant Street
Webster Street - Pond Road to Old Lisbon Road
West Bates Street - Summer Street to Middle Street
Westminster Street - Lisbon St to Forrestal St.
Trench Paving Detail

SURFACE COURSE

BINDER COURSE

12"

GRIND EXISTING PAVEMENT

MATCH EXISTING PAVEMENT

AGGREGATE BASE

AGGREGATE SUB-BASE
Date: March 15, 2022
To: Honorable Mayor and Members of the City Council.
From: Mary Ann Brenchick, Public Works Director
Subject: Amendments to the Excavation and Street Opening Policy

Attached for the City Council’s consideration is a Council Order to authorize amendments to the Excavation and Street Opening Policy. This policy was last updated on February 25, 2014.

This policy guides the construction work done within our right-of-ways on sidewalks, streets or driveways. The following two permits are required and described in this policy:

1. **Excavation Permit** (annual), cost $600 – *proposing new incentive for $100 savings if obtained by March 1 of each year*

2. **Excavation and Street Opening Permit** (per project), SF cost measured after completion – *Proposing clarify the language, update standards, strengthen enforcement, increase fees*

A related, but separate policy is the Street and Sidewalk Occupancy Policy and Permit which addresses traffic and signage plans relating to a safe work zone. The policy and permit are separate as they may or may not have actual construction occurring. For example, a temporary dumpster or outdoor dining request versus a utility repair all require an Occupancy Permit.

Staff reviewed the current Excavation and Street Opening Policies from the Cities of Portland and Auburn and incorporated or updated specific sections for consistency and best practices. Often the same contractors and utility companies are working in these other regions as well. Updated State and Federal standards were also researched.

**Standards:** The quality of replacing pavement on the disrupted trenches has been inconsistent with state standards/best practices and ineffective in lasting the three year period. We updated our standard detail for repairing trenches this past year and it will be integrated into the new policy. For example, moratorium roadways (paved within the last five years) have a current requirement for repaving trenches for at least a “lane width”. The state standard is to repave curb to curb (or the whole road width) assuring that no seams exist preventing potential water/heaving damage. We are proposing to go with the State standard and include an option to ask for an exception. The City of Auburn and Portland use the State standard as well.

**Enforcement:** Over the past seven years, staff has run into problems with enforcing the current language, especially with the smaller pavement contractors and utility companies. With multiple projects going on, it is difficult and time consuming to follow all the individual contractors on each project over a three year period. We have two dedicated public works staff who oversee...
all the excavation work done by other contractors. This month we are starting a monthly utility
meeting to build better relationships and communication/coordination on upcoming projects.
This meeting will also give us a chance to remind partners of any problem areas and potential
fines if deadlines are not met.

**Fees:** This stricter fee amounts are intended to be a deterrence to contractors and ensure the
best possible repair and safest work zones. The goal is to prevent dangerous work sites during
the project and/or leaving insufficient work behind after the work is completed. If a contractor
cannot abide by this proposed policy, a written warning is issued, followed by a $500 fine for a
second infraction, and a $2500 fine for a third infraction, along with suspension of the annual
Excavation Permit for the remainder of the calendar year. A change from the current policy of a
written warning, then a $526 fine – wait another year and a possible second $526 fine.

These proposed changes will result in a cleaner, safer work zone and more efficient inspections
ensuring the highest quality repair possible to extend the life of the roadway. Savings will be
seen by reducing premature failing of pavement due to substandard work. Safety will be
improved with less areas settling during our winter/spring season.

Cc: Heather Hunter, City Administrator
    Jeff Beaule, City Engineer
    Justin Bisson, Paving Manager
    Keith Martin, Street Opening Coordinator
SUBJECT:
Consideration to direct city staff to research and present a moratorium regarding Homeless Shelters within the City.

INFORMATION:
During a recent workshop, a presentation was made to the Council regarding the opening of a Homeless Shelter/Resource Center in the City. The Council is considering requesting City staff provide a moratorium for the Council to consider. This moratorium would allow the Council time to make an informed decision consider licensing and locations of homeless shelters within the City.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:
The decision on this subject falls under the City Council’s purview.

HAH/kmm

REQUESTED ACTION:
1 2 3 4 5 6 7 M

To direct staff to present a Moratorium Order on homeless shelters at the next regularly scheduled City Council meeting.
SUBJECT:
Order, Approving an Order of Condemnation to lay out and alter Nob Hill Avenue and take certain property in the City of Lewiston for this purpose.

INFORMATION:
In 2019, while working on a plan to subdivide 10 Nob Hill Ave., a local surveyor discovered a discrepancy in the legal description of the Nob Hill Ave. right of way compared to the subdivision plans and City GIS parcel maps. This discovery left some doubt on the actual location of the accepted street and the actual boundary lines of 10 Nob Hill Ave. The error can be traced back to the original street acceptance in 1962 and amounts to a roughly 10 foot error in the location of the bend in the road in front of #10.

A notice of intention to lay out and alter Nob Hill Ave was approved by City Council on 3/1/22. The proposed relocation will match with all of the existing property pins and the actual location of the paved road. After additional survey and deed research by the City’s surveyor and City Attorney, they have a recommended plan to relocate the right of way by condemnation order and then release remaining property in the old location back to the abutters. For most of the property owners this only involves small slivers of property.

The “Notice of Intentions to Lay Out and Alter Nob Hill Ave” has been posted publicly for at least 7 days. An informational letter was also be mailed to all property owners. This Order of Condemnation will “take” the property as described in Appendix A for the right of way in the correct location. After the final actions are taken, the new plan, written description and certifications will be recorded and legal notifications will be sent to property owners and mortgage holders.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:
The City Administrator recommends approval of the requested action.

HAH/kmm

REQUESTED ACTION:
Order, Approving an Order of Condemnation to lay out and alter Nob Hill Avenue and take certain property in the City of Lewiston for this purpose.
Council Order
March 15, 2022

Order, approving an Order of Condemnation to lay out and alter Nob Hill Avenue and take certain property in the City of Lewiston for this purpose.

Whereas, the City has identified an error in the legal description of the accepted street Nob Hill Ave.; and

Whereas, the City has taken the legal steps necessary to correct the discrepancy and match the legal description to the apparent and intended right of way location; and

Whereas, relocating Nob Hill Ave. to the correct location per Order of Condemnation will avoid any future right of way or deed discrepancies; and

Whereas, the area to be included in the Order of Condemnation is described in the attached Appendix A; and

Whereas, the remaining areas of property from the former right of way location shall be transferred back to the adjacent property owners; and

Now, therefore, be it ordered by the CITY COUNCIL of the CITY of LEWISTON,
to approve an Order of Condemnation to lay out and alter Nob Hill Avenue and take certain property in the City of Lewiston for this purpose.
ORDER OF CONDEMNATION

To the Within-named Owner(s) of Record:

As provided in 23 M.R.S. § 3023, the City Council of the City of Lewiston, Maine, having given notice of their intentions to lay out and alter Nob Hill Avenue by posting the notice at least seven days in two public places in the City of Lewiston, at _Lewiston City Hall_ and at _Lewiston Public Library_, and in the vicinity of Nob Hill Avenue, at _a post at the entrance to the road near 5 Nob Hill Ave_, and having met for this purpose in accordance with the notice and having determined that public exigency requires the immediate taking of the property, do lay out and alter Nob Hill Avenue and take certain property in the City of Lewiston for this purpose, as described in the attached Exhibit A, and determine the amount of damages to be paid to the owner(s) of record as just compensation as follows:

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Dated: ____________________, 202_

ATTEST:

______________________________    ____________________, 202_

Kathleen M. Montejo, City Clerk    Date

This order must be filed with the City Clerk and a copy then served upon the owner(s) of record; a check in the amount of damages must be served with the copy of the order; title passes upon service of the check or recording of a certificate in the registry of deeds, whichever occurs first (23 M.R.S, § 3023).
EXHIBIT A

NOB HILL AVENUE

A certain right of way known as “Nob Hill Avenue” located on the northeasterly side of Webster Street in the City of Lewiston, County of Androscoggin, State of Maine, bounded and described as follows:

Beginning at a point located on the northeasterly sideline of Webster Street and the southerly corner of land now or formerly of Pauline P. Taylor and Todd A. Taylor as described in a deed recorded in the Androscoggin County Registry of Deeds in Book 3472, Page 333. Thence:

1. N 35°17’28” E by said land of Taylor a distance of Seventy-Eight and 76/100 (78.76) feet to a point of curvature;
2. Northeasterly, easterly, and southeasterly by said land of Taylor and by land now or formerly of William J. Horn as described in deeds recorded in said Registry in Book 4591, Page 307, Book 4591, Page 310, and Book 10637, Page 265, following a curve to the right having a radius of One Hundred Eight and 42/100 (108.42) feet, an arc distance of One Hundred Fifty-One and 37/100 (151.37) feet to a point of tangency;
3. S 64°42’47” E by said land of Horn a distance of Sixty-Six and 24/100 (66.24) feet to a point of curvature;
4. Southeasterly by said land of Horn, following a curve to the left having a radius of Fifty-Eight and 42/100 (58.42) feet, an arc distance of Twenty and 64/100 (20.64) feet to a point of tangency;
5. S 84°57’47’ E by said land of Horn a distance of Twenty-Nine and 84/100 (29.84) feet to a point of curvature;
6. Northeasterly by said land of Horn, following a curve to the left having a radius of Ten and 00/100 (10.00) feet, an arc distance of Ten and 40/100 (10.40) feet to a point of tangency;
7. N 35°28’13” E by said land of Horn a distance of One Hundred Eighty-Nine and 60/100 (189.60) feet to a point of curvature;
8. Northeasterly, northerly, and northwesterly by said land of Horn, following a curve to the left having a radius of Ten and 00/100 (10.00) feet, an arc distance of Twelve and 81/100 (12.81) feet to a point of tangency;
9. N 37°56’47” W by said land of Horn a distance of One Hundred Eighty-Four and 60/100 (184.60) feet to a point of curvature;
10. Northwesterly by said land of Horn and by land now or formerly of Lucien N. Pelletier and Constance O. Pelletier as described in a deed recorded in said Registry in Book 3174, Page 282, and by land now or formerly of Christopher L. Wiers and Jessica L. Wiers as described in a deed recorded in said Registry in Book 9115, Page 279, following a curve to the right having a radius of One Hundred Seventy and 99/100 (170.99) feet, an arc distance of Two Hundred Five and 22/100 (205.22) feet to a point of tangency;
11. N 30°49’09” E by said land of Wiers and by land now or formerly of Robert Bott and Rachel Bott as described in a deed recorded in said Registry in Book 1802, Page 73, a distance of Three Hundred Fifty-Four and 71/100 (354.71) feet to a point of curvature;
12. Northeasterly, easterly, southeasterly, southerly, and southwesterly by said land of Bott and by land now or formerly of Michael D. Bilodeau and Jayne J. Bilodeau as described in deeds recorded in said Registry in Book 8479, Page 272, and Book 10196, Page 68, following a curve to the right having a radius of Forty and 00/100 (40.00), an arc distance of One Hundred Seventy-Eight and 39/100 (178.39) feet to a point;
13. S 30°49'09" W by said land of Bilodeau and by land now or formerly of Denise Paquette and Marc Paquette as described in deeds recorded in said Registry in Book 7510, Page 24, and Book 10196, Page 71, and by land now or formerly of Jeffery D. Beaule as described in a deed recorded in said Registry in Book 10495, Page 151, and by land now or formerly of Robert R. Blais and Rita J. Blais as described in deeds recorded in said Registry in Book 3727, Page 281, and 3785, Page 313, a distance of Three Hundred Fifteen and 98/100 (315.98) feet to a point of curvature;
14. Southwesterly, southerly, and southeasterly by said land of Blais and by land now or formerly of Robert R. Blais and Danielle M. Bilodeau as described in a deed recorded in said Registry in Book 10196, Page 66, following a curve to the left having a radius of One Hundred Twenty and 99/100 (120.99) feet, an arc distance of One Hundred Forty-Five and 21/100 (145.21) feet to a point of tangency;
15. S 37°56'47" E by said land of Blais and Bilodeau a distance of Two Hundred Twenty-Nine and 33/100 (229.33) feet to a point at land now or formerly of Diane T. Theriault and Maurice Theriault as described in a deed recorded in said Registry in Book 7391, Page 192;
16. S 35°28’13” W by said land of Theriault a distance of Two Hundred Thirty-Four and 34/100 (234.34) feet to a point of curvature;
17. Southwesterly by said land of Theriault, following a curve to the right having a radius of Sixty and 00/100 (60.00) feet, an arc distance of Sixty-Two and 38/100 (62.38) feet to a point of tangency;
18. N 84°57’47” W by said land of Theriault and by land now or formerly of Francis N. Brooks and Dolores C. Brooks as described in a deed recorded in said Registry in Book 1799, Page 46, a distance of Twenty-Nine and 84/100 (29.84) feet to a point of curvature;
19. Westerly by said land of Brooks, following a curve to the right having a radius of One Hundred Eight and 42/100 (108.42) feet, an arc distance of Thirty-Eight and 32/100 (38.32) feet to a point of tangency;
20. N 64°42’47” W by said land of Brooks a distance of Sixty-Six and 24/100 (66.24) feet to a point of curvature;
21. Northwesterly, westerly, and southwesterly by said land of Brooks, following a curve to the left having a radius of Fifty-Eight and 42/100 (58.42) feet, an arc distance of Eighty-One and 57/100 (81.57) feet to a point of tangency;
22. S 35°17’28” W by said land of Brooks a distance of Seventy-Eight and 74/100 (78.74) feet to a point located on the northeasterly sideline of said Webster Street;
23. N 54°43’52” W by said Webster Street a distance of Fifty and 00/100 (50.00) feet to the point of beginning.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.
The above described proposed right of way contains 69,059 square feet or 1.59 acres. Reference is made to a plan of Proposed Right-of-Way made for the City of Lewiston, by Titcomb Associates, dated November 4, 2021, to be recorded in the Androscoggin County Registry of Deeds.
CERTIFICATE OF TAKING

To Whom It May Concern:

Pursuant to 23 M.R.S. § 3024, I certify that an Order of Condemnation dated _______________, 202__ was duly filed with the City Clerk of the City of Lewiston, Maine by its City Council, laying out and altering Nob Hill Avenue and taking certain property in the City for this purpose, as described in the attached Exhibit A, and determining the amount of damages to be paid to the owner(s) of record as just compensation as follows:

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and that a copy of the order was duly served upon said owner(s) of record, all in accordance with 23 M.R.S. §§ 3022 and 3023.
Dated: ____________________, 202_

ATTEST:

______________________________    ____________________, 202_
Kathleen M. Montejo, City Clerk    Date

ACKNOWLEDGMENT

STATE OF MAINE
Androscoggin County    ____________________, 202_

Personally appeared the above-named Kathleen M. Montejo, City Clerk of the City of Lewiston, Maine, and acknowledged the foregoing instrument to be her free act and deed in her capacity.

Before me,

________________________________________
Notary Public

(Note: This certificate must be recorded in the registry of deeds.)
A certain right of way known as “Nob Hill Avenue” located on the northeasterly side of Webster Street in the City of Lewiston, County of Androscoggin, State of Maine, bounded and described as follows:

Beginning at a point located on the northeasterly sideline of Webster Street and the southerly corner of land now or formerly of Pauline P. Taylor and Todd A. Taylor as described in a deed recorded in the Androscoggin County Registry of Deeds in Book 3472, Page 333. Thence:

1. N 35°17’28” E by said land of Taylor a distance of Seventy-Eight and 76/100 (78.76) feet to a point of curvature;
2. Northeasterly, easterly, and southeasterly by said land of Taylor and by land now or formerly of William J. Horn as described in deeds recorded in said Registry in Book 4591, Page 307, Book 4591, Page 310, and Book 10637, Page 265, following a curve to the right having a radius of One Hundred Eight and 42/100 (108.42) feet, an arc distance of One Hundred Fifty-One and 37/100 (151.37) feet to a point of tangency;
3. S 64°42’47” E by said land of Horn a distance of Sixty-Six and 24/100 (66.24) feet to a point of curvature;
4. Southeasterly by said land of Horn, following a curve to the left having a radius of Fifty-Eight and 42/100 (58.42) feet, an arc distance of Twenty and 64/100 (20.64) feet to a point of tangency;
5. S 84°57’47’ E by said land of Horn a distance of Twenty-Nine and 84/100 (29.84) feet to a point of curvature;
6. Northeasterly by said land of Horn, following a curve to the left having a radius of Ten and 00/100 (10.00) feet, an arc distance of Ten and 40/100 (10.40) feet to a point of tangency;
7. N 35°28’13” E by said land of Horn a distance of One Hundred Eighty-Nine and 60/100 (189.60) feet to a point of curvature;
8. Northeasterly, northerly, and northwesterly by said land of Horn, following a curve to the left having a radius of Ten and 00/100 (10.00) feet, an arc distance of Twelve and 81/100 (12.81) feet to a point of tangency;
9. N 37°56’47” W by said land of Horn a distance of One Hundred Eighty-Four and 60/100 (184.60) feet to a point of curvature;
10. Northwesterly by said land of Horn and by land now or formerly of Lucien N. Pelletier and Constance O. Pelletier as described in a deed recorded in said Registry in Book 3174, Page 282, and by land now or formerly of Christopher L. Wiers and Jessica L. Wiers as described in a deed recorded in said Registry in Book 9115, Page 279, following a curve to the right having a radius of One Hundred Seventy and 99/100 (170.99) feet, an arc distance of Two Hundred Five and 22/100 (205.22) feet to a point of tangency;
11. N 30°49’09” E by said land of Wiers and by land now or formerly of Robert Bott and Rachel Bott as described in a deed recorded in said Registry in Book 1802, Page 73, a distance of Three Hundred Fifty-Four and 71/100 (354.71) feet to a point of curvature;
12. Northeasterly, easterly, southeasterly, southerly, and southwesterly by said land of Bott and by land now or formerly of Michael D. Bilodeau and Jayne J. Bilodeau as described in deeds recorded in said Registry in Book 8479, Page 272, and Book 10196, Page 68, following a curve to the right having a radius of Forty and 00/100 (40.00), an arc distance of One Hundred Seventy-Eight and 39/100 (178.39) feet to a point;

13. S 30°49'09" W by said land of Bilodeau and by land now or formerly of Denise Paquette and Marc Paquette as described in deeds recorded in said Registry in Book 7510, Page 24, and Book 10196, Page 71, and by land now or formerly of Jeffery D. Beaule as described in a deed recorded in said Registry in Book 10495, Page 151, and by land now or formerly of Robert R. Blais and Rita J. Blais as described in deeds recorded in said Registry in Book 3727, Page 281, and 3785, Page 313, a distance of Three Hundred Fifteen and 98/100 (315.98) feet to a point of curvature;

14. Southwesterly, southerly, and southeasterly by said land of Blais and by land now or formerly of Robert R. Blais and Danielle M. Bilodeau as described in a deed recorded in said Registry in Book 10196, Page 66, following a curve to the left having a radius of One Hundred Twenty and 99/100 (120.99) feet, an arc distance of One Hundred Forty-Five and 21/100 (145.21) feet to a point of tangency;

15. S 37°56'47" E by said land of Blais and Bilodeau a distance of Two Hundred Twenty-Nine and 33/100 (229.33) feet to a point at land now or formerly of Diane T. Theriault and Maurice Theriault as described in a deed recorded in said Registry in Book 7391, Page 192;

16. S 35°28'13" W by said land of Theriault a distance of Two Hundred Thirty-Four and 34/100 (234.34) feet to a point of curvature;

17. Southwesterly by said land of Theriault, following a curve to the right having a radius of Sixty and 00/100 (60.00) feet, an arc distance of Sixty-Two and 38/100 (62.38) feet to a point of tangency;

18. N 84°57'47" W by said land of Theriault and by land now or formerly of Francis N. Brooks and Dolores C. Brooks as described in a deed recorded in said Registry in Book 1799, Page 46, a distance of Twenty-Nine and 84/100 (29.84) feet to a point of curvature;

19. Westerly by said land of Brooks, following a curve to the right having a radius of One Hundred Eight and 42/100 (108.42) feet, an arc distance of Thirty-Eight and 32/100 (38.32) feet to a point of tangency;

20. N 64°42'47" W by said land of Brooks a distance of Sixty-Six and 24/100 (66.24) feet to a point of curvature;

21. Northwesterly, westerly, and southwesterly by said land of Brooks, following a curve to the left having a radius of Fifty-Eight and 42/100 (58.42) feet, an arc distance of Eighty-One and 57/100 (81.57) feet to a point of tangency;

22. S 35°17'28" W by said land of Brooks a distance of Seventy-Eight and 74/100 (78.74) feet to a point located on the northeasterly sideline of said Webster Street;

23. N 54°43’52” W by said Webster Street a distance of Fifty and 00/100 (50.00) feet to the point of beginning.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.
The above described proposed right of way contains 69,059 square feet or 1.59 acres. Reference is made to a plan of Proposed Right-of-Way made for the City of Lewiston, by Titcomb Associates, dated November 4, 2021, to be recorded in the Androscoggin County Registry of Deeds.
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<th>Current Land Use Code</th>
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<td>SEE 10 NOB HILL AVE MORTGAGE HOLDER</td>
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SEE ALSO MORTGAGE WITH JP MORGAN CHASE BANK, N.A.
SEE ALSO, MORTGAGE WITH MERRIMACK MORTGAGE & TRUST, INC.
16 NOB HILL AVE IS INCLUDED IN MORTGAGE
INCLUDED WITH MORTGAGE OF 10 NOB HILL AVE
MORTGAGE DOES NOT INCLUDE BK 10196, PG 66

DARRELL AND LINDA WIERS ARE TENANTS/LENDER BUT NOT MORTGAGE HOLDER
LEWISTON CITY COUNCIL
MEETING OF MARCH 15, 2022

AGENDA INFORMATION SHEET: AGENDA ITEM NO. 11

SUBJECT:
Order, Authorizing the City Administrator to take the necessary steps to sell the property adjacent to Nob Hill Avenue as relocated.

INFORMATION:
A notice of intention to lay out and alter Nob Hill Ave was approved by City Council on 3/1/22. Pursuant to the previous agenda item, the City Council will have approved relocating the right of way by condemnation order.

Following the Order of Condemnation to “take” the property as described in Appendix A for the right of way in the correct location, the new plan, written description and certifications will be recorded and legal notifications will be sent to property owners and mortgage holders.

This order authorizes the release of remaining property in the old right of way location back to the abutters. This affects 5 of the 13 properties on the street.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:
The City Administrator recommends approval of the requested action.

HAH/kmm

REQUESTED ACTION:

Order, Authorizing the City Administrator to take the necessary steps to sell the property adjacent to Nob Hill Ave. as relocated.
Council Order
March 15, 2022

Order, authorizing the City Administrator to take the necessary steps to sell the property adjacent to Nob Hill Ave as relocated.

Whereas, the City has identified an error in the legal description of the accepted street Nob Hill Avenue; and

Whereas, the City has taken the legal steps necessary to correct the discrepancy and match the legal description to the apparent and intended right of way location; and

Whereas, the City has relocated Nob Hill Ave to the correct location per Order of Condemnation; and

Whereas, the remaining areas of property from the former right of way location shall be transferred back to the adjacent property owners; and

Now, therefore, be it ordered by the CITY COUNCIL of the CITY of LEWISTON,

To authorize the City Administrator to take the necessary steps to sell the property adjacent to Nob Hill Ave as relocated.
CERTIFICATION OF CITY COUNCIL ACTION

I, Kathleen M. Montejo, City Clerk of Lewiston, Maine, do hereby certify that the following action was taken by the Lewiston City Council at a public meeting of the City Council, held on ______________________, 202_:  

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO TAKE THE NECESSARY STEPS TO SELL THE PROPERTY ADJACENT TO NOB HILL AVENUE AS RELOCATED

VOTE (___)
Motion by Councilor _______________, seconded by Councilor _______________:  

To approve the Order authorizing the City Administrator to take the necessary steps to sell the property located at Nob Hill Ave:

Whereas, the City Council has authorized the laying out and alteration of Nob Hill Avenue; and

Whereas, the relocation of Nob Hill Avenue may create clouds upon the title of certain adjacent landowners, as follow;

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<thead>
<tr>
<th>Owner of Record</th>
<th>Property Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pauline P. Taylor &amp; Todd A. Taylor</td>
<td>2 Nob Hill Avenue, Lewiston ME 04240</td>
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<tr>
<td>Frances N. Brooks</td>
<td>5 Nob Hill Avenue, Lewiston ME 04240</td>
</tr>
<tr>
<td>Diane T. Theriault &amp; Maurice Theriault</td>
<td>9 Nob Hill Avenue, Lewiston ME 04240</td>
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<tr>
<td>William J. Horn</td>
<td>10 Nob Hill Avenue, Lewiston ME 04240</td>
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<tr>
<td>William J. Horn</td>
<td>16 Nob Hill Avenue, Lewiston ME 04240</td>
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<tr>
<td>Peter R. Bilodeau &amp; Danielle M. Bilodeau</td>
<td>19 Nob Hill Avenue, Lewiston ME 04240</td>
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<tr>
<td>Lucien N. Pelletier &amp; Constance O. Pelletier</td>
<td>20 Nob Hill Avenue, Lewiston ME 04240</td>
</tr>
<tr>
<td>Robert R. Blais &amp; Rita J. Blais</td>
<td>21 Nob Hill Avenue, Lewiston ME 04240</td>
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<tr>
<td>Christopher L. Wiers &amp; Jessica L. Wiers</td>
<td>22 Nob Hill Avenue, Lewiston ME 04240</td>
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<tr>
<td>Jeffrey D. Beaulé</td>
<td>25 Nob Hill Avenue, Lewiston ME 04240</td>
</tr>
<tr>
<td>Denise Paquette &amp; Marc Paquette</td>
<td>27 Nob Hill Avenue, Lewiston ME 04240</td>
</tr>
<tr>
<td>Michael D. Bilodeau &amp; Jayne J. Bilodeau</td>
<td>29 Nob Hill Avenue, Lewiston ME 04240</td>
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<tr>
<td>Robert Bott &amp; Rachel Bott</td>
<td>30 Nob Hill Avenue, Lewiston ME 04240</td>
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Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is authorized to take the necessary steps to release any interest which the City may have in the lots adjacent to relocated Nob Hill Avenue to each of the potentially affected property owners listed above, and as shown a plan of Proposed Right-of-Way made for the City of Lewiston, by Titcomb Associates, dated November 4, 2021, to be recorded in the Androscoggin County Registry of Deeds.
Dated: ________________, 202_

ATTEST:

______________________________    ____________________, 202_

Kathleen M. Montejo, City Clerk    Date
SUBJECT:

Order, Authorizing the allocation and disbursement of $5,500 of CDBG Public Facilities funding to Tree Street Youth.

INFORMATION:

On May 4, 2021, the City Council approved the CDBG Action Plan and budget which included $152,226 in Public Facilities funding to be awarded to eligible and worthy projects on a rolling basis throughout the year. A total of $105,826 of that funding has already been allocated to the YWCA to improve their facility for childcare; Promise Early Education for soft costs associated with conversion of 1 College Street into an early childhood education facility; and Tree Street Youth for installation of a basement drainage system that will improve the health and safety of youth using the facility. $5,500 in additional funding has been requested by Tree Street Youth to connect that drainage system to the City's storm water system and to repair a leak between the meter and pipe connecting the building to the City water main.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

HAH/kmm

REQUESTED ACTION:

1 2 3 4 5 6 7 M

To approve the Order, Authorizing the allocation and disbursement of $5,500 of CDBG Public Facilities funding to Tree Street Youth.
ORDER, Authorizing the allocation and disbursement of $5,500 of CDBG Public Facilities funding to Tree Street Youth.

WHEREAS, the FY2022 Community Development Block Grant budget included $152,226 in Public Facilities funding that would be made available to public service agencies on a rolling basis to help meet facility improvement needs that arise; and

WHEREAS, in order to better protect the health and safety needs of the children using the Youth Center located at 144 Howe Street the basement was cleared of legacy shelving and materials left by a former occupant and a drainage system was installed in the basement; and

WHEREAS, that drainage system needs to be connected to the City’s storm water system; and

WHEREAS, repair a leak in the pipe between the water meter for 144 Howe Street and the City water main,

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

That $5,500 of CDBG Public Facility funds be approved for use by Tree Street Youth to connect their new building drainage system to Lewiston’s storm water system, and to repair a leak on their property between the water meter and City water main.
To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers, ECD Director
RE: Allocation of CDBG Public Facility funding to Tree Street Youth
Date: March 9, 2022

Background
On May 4, 2021, the City Council approved the CDBG budget for FY22. Included among the approved budget items was $152,226 for “Public Facilities to be determined.” Historically the City, as a CDBG Entitlement Community, has issued a request for proposals in December to public service agencies and city departments that the City will be receiving an allocation of CDBG funds starting July 1st of the following year, and inviting them to submit requests for their program, public works infrastructure project, or CDBG eligible project. Over the last several years, we learned that public service agencies occasionally have building repair needs arise that are not well served by a once year application process. A roof may need to be repaired, a furnace replaced, or other circumstances may arise that require timely improvements to their facility. In response and to better address the needs of the community, we changed the application process for Public Facilities to be taken on a rolling basis throughout the year, limited by available funds.

When the City Council approved the CDBG budget last May, I noted that any request for a portion of $152,226 in public facility funding would be brought back to the City Council for your review and approval. Since then the Council has approved the allocation of $45,000 to the YWCA for replacement of floors and improvement of space for expanded daycare needs; $9,750 to Promise Early Education for an environmental assessment needed for the redevelopment of 1 College Street into a daycare facility; and $51,076 to Tree Street Youth for installation of a new water removal system in the basement of their property located at 144 Howe Street. The basement had begun to retain significant amounts of water potentially exposing the children utilizing the youth center to mold or other harmful airborne bacteria.

Requested Action
The basement work at Tree Street Youth has been completed but has made clear the need for the installation of a new pipe to connect the new basement drainage system to the City's storm water system, and to repair a leak recently discovered in the building's water line located between the meter and the City water main. The leak is on Tree Street Youth's property and is their responsibility to repair. They have requested and City staff recommends the allocation of $5,500 from the $152,226 of Public Facilities funding approved in the FY22 CDBG budget to Tree Street Youth for that purpose.
**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 15, 2022**

**AGENDA INFORMATION SHEET:  AGENDA ITEM NO. 13**

<table>
<thead>
<tr>
<th>SUBJECT:</th>
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<tbody>
<tr>
<td>Order, Authorizing the L/A Veteran’s Council to accept a decommissioned army tank to be permanently displayed at the Veteran’s Memorial Park.</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>INFORMATION:</th>
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<tbody>
<tr>
<td>The L/A Veterans Council/American Legion Post 22 has the opportunity to receive a decommissioned M60A3 Army Tank for a static display in the Veterans Memorial Park. As part of the qualification process, they need documented approval from the City allowing them to accept and display the tank on city owned property. The LA Veteran’s Council will pay for shipping and installation on site.</td>
<td></td>
</tr>
<tr>
<td>PW has meet with Mr. DeWitt to coordinate placement of the tank in the lower parking area, adjacent to the park. Public Works will assist with prepping the site prior to delivery.</td>
<td></td>
</tr>
<tr>
<td>They are not guaranteed the decommissioned tank until all the qualification paperwork is approved; however, we feel confident that they will be successful. The tank will be another important element in our beautiful memorial park.</td>
<td></td>
</tr>
<tr>
<td>The estimate to prep the site for this installation is $20,000 and will be added to the operating budget for Open Space under other betterments, if approved.</td>
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<thead>
<tr>
<th>APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:</th>
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<tbody>
<tr>
<td>The City Administrator recommends approval of the requested action.</td>
<td>HAH/kmm</td>
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<tr>
<th>REQUESTED ACTION:</th>
<th>1 2 3 4 5 6 7 M</th>
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<tbody>
<tr>
<td>To approve the Order, Authorizing the L/A Veteran’s Council to accept a decommissioned army tank to be permanently displayed at the Veteran’s Memorial Park, contingent upon funding approval.</td>
<td></td>
</tr>
</tbody>
</table>
COUNCIL ORDER

March 15, 2022

Order, the L/A Veteran’s Council is authorized to accept a decommissioned army tank from the Army Donations Program Office; and

Whereas, the tank will be permanently displayed in the Veteran’s Memorial Park as shown on the attached map; and

Whereas, the L/A Veteran’s Council will pay for the shipping and installation of the tank; and

Whereas, Public Works will assist with the site prep for the tank,

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the City of Lewiston

Authorizing the L/A Veteran’s Council to accept a decommissioned army tank to be permanently displayed at the Veteran’s Memorial Park, contingent upon funding approval for the concrete pad.
February 23, 2022

City of Lewiston
Attn: Heather Hunter, City Administrator
27 Pine Street
Lewiston, Maine 04240

RE: Acceptance of an Army Tank for Veterans Memorial Park

Dear Ms. Hunter,

The L/A Veterans Council/American Legion Post 22 has the opportunity to receive a decommissioned M60A3 Army Tank for a static display in the Veterans Memorial Park. As part of the qualification process, we need written approval allowing us to accept and display the tank on city owned property. The LA Veteran’s Council will pay for shipping and installation on site.

We have met with Mary Ann Brenchick, Public Works Director, and Reggie Poussard, Operations Superintendent, to coordinate placement of the tank in the lower parking area, adjacent to the park. Public Works will assist with prepping the site prior to delivery.

We are not guaranteed the decommissioned tank until all the qualification paperwork is approved; however, we feel confident that we will be successful. The tank will be another important element in our beautiful memorial park.

Thank you in advance for your support,

Jerry DeWitt
Chairman LA Veterans Council
Veterans Memorial Park
Proposed Improvements

- **Proposed Granite Curb - Set Flush**
- **Proposed Bench**
- **Existing F-7 Corsair Jet**
- **Existing Jeep**
- **Existing 5" Gun**
- **Existing Memorial Stone Area**
- **Tank to be set on pedestal**
- **Landscaping In Tank Area**
- **TBD**
- **Stripe Area as No Parking**

Date: 2/24/2022

1 in = 50 ft
AGENDA INFORMATION SHEET: AGENDA ITEM NO. 14

SUBJECT:
Order, Authorizing the City Administrator to negotiate and execute a purchase and sale agreement, and other related closing documents for acquisition of property on Blais Boulevard.

INFORMATION:
The property to be purchased is a small lot surrounded by City owned property that is being redesigned into a nature park. As part of the Recreation Conversion Project, the paper streets giving future access to this lot will be discontinued as the park needs to remain a park into perpetuity. An important component required by the conversion.

The purchase of this property will allow us to further expand our walking paths and include additional natural element play components as this lot is a dry area among the wetlands. The additional acreage will round off our project and be an asset to the new city amenity slated for construction this summer.

The funding for the purchase of this lot is included in the construction funding for Cote St. Park, account 7702-702711

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:
The City Administrator recommends approval of the requested action.

HAH/kmm

REQUESTED ACTION:

To approve the Order, Authorizing the City Administrator to negotiate and execute a purchase and sale agreement, and other related closing documents for acquisition of property on Blais Boulevard.
COUNCIL ORDER
March 15, 2022

Order, Authorizing the City Administrator to negotiate and execute a purchase and sale agreement, and other related closing documents for acquisition of property on Blais Boulevard.

WHEREAS, the property to be purchased is a small lot surrounded by City owned property that is being redesigned into a nature park; and

WHEREAS, the paper streets giving future access to this lot will be discontinued as the park needs to remain a park into perpetuity; and

WHEREAS, the additional acreage will allow us to further expand our walking paths and include additional natural element play components to this new city amenity slated for construction this summer.

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

Authorizing the City Administrator to negotiate and execute a purchase and sale agreement, and other related closing documents for acquisition of property on Blais Boulevard.
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.

HAH/kmm

REQUESTED ACTION:

To enter into an 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.
**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 15, 2022**

**AGENDA INFORMATION SHEET:**  
**AGENDA ITEM NO. 18**

<table>
<thead>
<tr>
<th>SUBJECT:</th>
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<tbody>
<tr>
<td>Executive Session regarding a Legal Matter.</td>
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</table>

<table>
<thead>
<tr>
<th>INFORMATION:</th>
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<tbody>
<tr>
<td>The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.</td>
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</tbody>
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<tr>
<th>APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:</th>
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<tbody>
<tr>
<td>The state statutes outline the issues that will be discussed in executive session.</td>
</tr>
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</table>

*HAH/kmm*

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<tr>
<th>REQUESTED ACTION:</th>
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</table>

To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter.