

# CITY OF LEWISTON

CITY COUNCIL

JULY 16, 2013

## REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D’Auteuil, Libby, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence.

### PRESENTATION OF LEGISLATIVE SENTIMENT

Members of the Lewiston legislative delegation presented proclamations of thanks to the Public Works Director, Fire Chief, Police Chief and Social Services Director to thank them and their departments for their outstanding response to the devastating fires in downtown Lewiston in April and May. Legislators thanked city staff for their exemplary service in responding to the fires and their aftermath which displaced 200 residents.

### LEWISTON YOUTH ADVISORY COUNCIL – INTRODUCTION OF NEW MEMBERS

Incoming members of the Youth Council were introduced and presented with certificates of appointment. There are 15 members of the Youth Council this coming year.

### PUBLIC COMMENT PERIOD

Garret Plaid of Notre Dame Indiana said he and 23 other college students are riding across America this summer as part of the Climate Summer program. Mr. Plaid said they are hoping to stop the use of fossil fuels and are leading by example. He encouraged the City Council to adopt a Resolution banning tar sands.

At this time, agenda item number 8 was taken out of order and addressed.

### REQUEST FROM L & A VETERANS COUNCIL FOR A WAIVER OF FEES AND USE OF CITY EQUIPMENT REGARDING THEIR KOREAN WAR 60<sup>TH</sup> ANNIVERSARY CEREMONY EVENT

Councilor Butler inquired about the approximate total cost for the city costs for the event. Recreation Director Maggie Chisholm stated it would be approximately \$200.

### VOTE (1)

Motion by Councilor D’Auteuil, seconded by Councilor Christ:

To authorize a waiver of fees and use of city owned equipment for the July 27 Korean War 60<sup>th</sup> Anniversary Ceremony event sponsored by the L & A Veterans Council. Passed - Vote 7-0

**PUBLIC HEARING ON A SPECIAL AMUSEMENT PERMIT FOR SHE DOESN'T  
LIKE GUTHRIES, 115 MIDDLE STREET**

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this item. Mayor Macdonald then closed the hearing.

**VOTE (2)**

Motion by Councilor Butler, seconded by Councilor Libby:

To grant a Special Amusement permit for live entertainment to She Doesn't Like Guthries, 115 Middle Street. Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE  
ANDROSCOGGIN BANK COLISEE, 190 BIRCH STREET**

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this item. Mayor Macdonald then closed the hearing.

**VOTE (3)**

Motion by Councilor Butler, seconded by Councilor Christ:

To grant a Special Amusement permit for live entertainment for the Androscoggin Bank Colisee, 190 Birch Street. Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR  
IRISH TWINS PUB, 743 MAIN STREET**

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this item. Mayor Macdonald then closed the hearing.

**VOTE (4)**

Motion by Councilor Libby, seconded by Councilor Cayer:

To grant a Special Amusement permit for live entertainment to Irish Twins Pub, 743 Main Street. Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE ACME  
SOCIAL CLUB, 255 PARK STREET**

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this item. Mayor Macdonald then closed the hearing.

**VOTE (5)**

Motion by Councilor Libby, seconded by Councilor Christ:

To grant a Special Amusement permit for live entertainment to The Acme Social Club, Inc., 255 Park Street. Passed - Vote 7-0

**PUBLIC HEARING FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT  
FOR REENERGY LEWISTON, 38 ALFRED A. PLOURDE PARKWAY**

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this item. Mayor Macdonald then closed the hearing.

**VOTE (6)**

Motion by Councilor Cayer, seconded by Councilor Butler:

To grant an Automobile Graveyard/Junkyard permit to ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway, subject to the following conditions:

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

13. Pine trees shall be planted along the perimeter to provide a buffer and dead and/or missing trees shall be replaced promptly.
14. That the processing of pressure treated wood be done in full compliance with the EPA & DEP regulations.

Passed - Vote 7-0

**PUBLIC HEARING FOR AN OUTDOOR ENTERTAINMENT PERMIT FOR THE GREAT FALLS BALLOON FESTIVAL**

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this item. Mayor Macdonald then closed the hearing.

**VOTE (7)**

Motion by Councilor Cayer, seconded by Councilor Libby:

To conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Simard-Payne Memorial Park on August 16-18, 2013, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS REGARDING NONCONFORMING USES OF SINGLE-FAMILY AND TWO-DWELLING UNITS**

Mayor Macdonald opened the public hearing. Bruce Damon, chairperson of the Planning Board, spoke and said he is in full support of the propose amendment. Mayor Macdonald then closed the hearing.

**VOTE (8)**

Motion by Councilor Butler, seconded by Councilor Christ:

That the proposed amendments to Appendix A, Article VI "Nonconformance", Section 4, "Nonconforming Uses", Subsection C "Abandonment", of the City Zoning and Land Use code, regarding exemptions for single family and two-family dwellings, receive final passage by a roll call vote. Passed - Vote 7-0

**AMENDMENTS TO THE GENERAL ASSISTANCE POLICY**

**VOTE (9)**

Motion by Councilor Libby, seconded by Councilor Butler:

That the overall maximum amounts allowed for general assistance and the maximum amounts allowed for food, housing, personal/household supplies, diapers and personal supplies for children, utilities/electricity and heating fuel in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended and adopted in accordance with HUD guidelines and the current Thrifty Food Plan. Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE FIRST AMENDMENT TO MATERIALS PROCESSING FACILITY LEASE WITH CASELLA RECYCLING LLC**

City Administrator Ed Barrett provided background information on this item, noting the original agreement was approved in February. He noted the project is moving forward and the environmental testing is almost done. The amendment to the lease includes the company constructing a separate building for storage of materials and changes to the storm water drainage system. These costs will be covered by Casella. A gentleman from the public introduced himself as a resident of Knox, ME and provided a handout to the Councilors regarding the Casella company. Bruce Damon noted the amendments are an enhancement to the original agreement and he approves of the new changes.

**VOTE (10)**

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator to execute First Amendment to Materials Processing Facility Lease with Casella Recycling, LLC:

Whereas, on February 25, 2013, the City of Lewiston (hereafter "CITY") and Casella Recycling, LLC (hereafter "CASELLA") entered into a lease agreement (the "Lease") to lease certain property (the "Premises") to allow CASELLA to establish a Materials Processing Facility ("MRF") on the Premises; and

Whereas, both parties have met the obligations of the lease to date, and CASELLA continues to make progress toward establishing the proposed MRF; and

Whereas, as planning for the facility has progressed, CASELLA has proposed certain changes to the anticipated site plan which the City has determined to be beneficial; and

Whereas, these changes require certain modification to the lease,

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute the First Amendment to Materials Processing Facility Lease with Casella Recycling, LLC, a copy of which is attached hereto.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A FIRST AMENDMENT TO JOINT DEVELOPMENT AGREEMENT WITH ARGO MARKETNG GROUP, INC.**

**VOTE (11)**

Motion by Councilor Cayer, seconded by Councilor D' Auteuil:

To approve the Order authorizing the City Administrator to execute a First Amendment to Joint Development Agreement with Argo Marketing, Inc.:

Whereas, Argo Marketing has expressed an interest in expanding its presence in downtown Lewiston by purchasing and rehabilitating 64 Lisbon Street at an estimated overall project cost of at least \$2.2 million; and

Whereas, Argo has agreed to employ at least 150 people at this location within twelve months of its tenancy of the building; and

Whereas, this project will both renovate a long vacant building in the heart of downtown and provide significant employment opportunities for area residents; and

Whereas, this project would not be economically viable without financial assistance from the City; and

Whereas, the City Council approved a Joint Development Agreement with Argo at its May 7<sup>th</sup> meeting which provided, in part, a total of up to \$250,000 in City grant and loan funds with 50% of the funds to be provided as grant and 50% as a 0% interest 10 year loan; and

Whereas, those funds were to be invested in façade and life safety improvements; and

Whereas, the City now wishes to allow those funds to be invested in acquisition, architectural, closing, and general conditions costs; and

Whereas, because of delays brought about by working through due diligence on the property, the closing date for acquisition on the property has been extended from August 1, 2013 to August 16, 2013,

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a *First Amendment to Joint Development Agreement* with Argo Marketing Group, Inc. in a form substantially as attached hereto.

Passed - Vote 7-0

**RESOLVE APPROVING THE SUPPLEMENT DE-AUTHORIZATION OF EXPENDITURES AND ADJUSTMENT TO REVENUES FOR THE FISCAL YEAR 2014 MUNICIPAL BUDGET**

City Administrator Edward Barrett provided some background information on this item noting there is a 2.5% increase in taxes which equates to about \$51 a year on a home valued at \$100,000 and \$84 a year on a home valued at \$150,000.

**VOTE (12)**

Motion by Councilor D’Auteuil, seconded by Councilor Christ:

To adopt the Resolve approving the Supplement De-authorization of Expenditures and Adjustments to Revenues for the Fiscal Year 2014 Municipal Budget:

Whereas, subsequent to the City Council adopting the FY2014 budget in May, the State approved its biennial budget which further raided the municipal revenue sharing received by the City; and

Whereas, the City Council has met on several occasions to review the various options to address the \$1,133,321 shortfall created by this raid; and

Whereas, throughout this review process, the City Council has shown support for certain changes and adjustments affecting both the revenue and expenditure budgets; and

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

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

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the following Supplemental de-appropriation of expenditures and adjustments to revenues for Fiscal Year 2014 Budget, is hereby approved:

Adopted FY14 Non-tax Revenues	12,351,738
1 41510 3352000 State Revenue Sharing	(1,133,321)
2 44250 3342000 General Assistance Reimb.	12,255
3 48110 3381000 Tax Sharing - Airpark	12,175
4 41410 3631000 Franchise Fees	36,000
<b>Adjusted FY14 Municipal Non-tax Revenue Total</b>	<b>11,278,847</b>

Adopted FY14 City Expenses	43,012,358
5 41590 4027000 Repairs to Equipment	(725)
6 48130 4043000 911 Donations	(6,048)
7 49310 4044003 City Pensioners	(54,625)
8 43510 4011000 Salaries	(6,138)
9 41610 4011000 Vacant Position 10/1 start time	(6,828)
10 49210 4046004 Fringe	(2,595)
11 41600 4011000 Vacant Position 10/1 start time	(16,044)
12 49210 4046004 Fringe	(5,738)
13 45520 4011000 Vacant Position 10/1 start time	(6,685)
14 49210 4046004 Fringe	(2,170)
15 45530 4011000 Vacant Position 10/1 start time	(9,301)
16 49210 4046004 Fringe	(2,869)
17 49710 4011000 Salary Reserve	(147,825)
18 48110 4049000 Airport Fixed Charges	(27,500)
19 49610 4049000 Tax Sharing - Monty Hydro	2,410

20	42130	4011000	Vacant Position 1/1 start time	(16,995)
21	42130	4012000	Overtime - Vacant Position	(1,380)
22	49210	4046004	Fringe	(10,090)
23	43310	4011000	Vacant Position 9/1 start time	(5,375)
24	43510	4011000	2 Vacant Pos. 9/1 start time	(10,750)
25	49210	4046004	Fringe	(6,734)
<b>Adjusted FY14 City Expenses</b>				<b>42,668,353</b>

Passed - Vote 7-0

**CONSIDERATION OF REQUEST FROM THE AFRICAN IMMIGRANT ASSOCIATION FOR CITY CO-SPONSORSHIP OF A DIVERSITY CELEBRATION PLANNED FOR SEPTEMBER**

**VOTE (13)**

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To support waiving fees and to offer reasonable in-kind support, as determined by City staff and to include overtime for Police, Fire and Recreation, for a diversity celebration which includes those of all races, colors, creeds, physical abilities, and sexual orientations sponsored by the African Immigrant Association, pending approval of a completed event application.

Passed - Vote 7-0

**ORDER AUTHORIZING THE SALE OF THREE PARCELS OF TAX ACQUIRED LAND**

**VOTE (14)**

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Order authorizing the sale of three parcels of tax acquired land, respectively located at 6 Galina Lane, 8 Galina Lane and 6 Marie Circle Rear:

Whereas, the City Council at its meeting of June 4, 2013 authorized the taking of six (6) parcels of land; and

Whereas, the City Council authorized the sale of these parcels through the formal sealed bid process; and

Whereas, bids were solicited and accepted until 4:00 p.m. on July 9, 2013; and

Whereas, two (2) bid proposals were received: one for 6 and 8 Galina Lane and one for 6 Marie Circle Rear; and

Whereas, the proposals for Galina Lane met all requirements of the bid specifications with regard to bid security; and

Whereas, the proposal for 6 Marie Circle Rear failed to meet the bid security requirement of a

certified check, cashier's check or bid bond for 10% where only a personal check was provided;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the bid offered by Mr. Joshua M. Laliberte in the amount of \$28,570 for 6 and 8 Galina Lane be accepted and to authorize the City Administrator to execute a Purchase & Sale Agreement and Municipal Release Deed for these parcels.

Be It Further Ordered, that the bid security requirement for the bid made on 6 Marie Circle is hereby waived, the sale of 6 Marie Circle Rear to Mr. Paul O. Baril at the bid amount of \$1,000 is accepted, and the City Administrator is authorized to execute a Purchase & Sale Agreement and Municipal Release Deed for 6 Marie Circle Rear.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH CGI COMMUNICATIONS, INC. FOR THE PROVISIONS OF A COMMUNITY VIDEO PROGRAM**

**VOTE (15)**

Motion by Councilor Butler, seconded by Councilor D'Auteuil:

To approve the Order authorizing the City Administrator to execute an Agreement with CGI Communications, Inc. for the provisions of a Community Video Program:

Whereas, a number of years ago, CGI Communications developed a number of community videos for the use of the City for marketing purposes; and

Whereas, these videos remain available on the City's web site homepage; and

Whereas, these videos have become dated and include material that is no longer up to date; and

Whereas, CGI, through partnerships with the U.S. Conference of Mayors and the National League of Cities, has proposed that they update these community videos; and

Whereas, this will be done at no cost to the City and be funded through commercial sponsorships arranged by CGI; and

Whereas, this will enable the City to replace the outdated information available through our web site with new and up to date content;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a three year Community Video Tour Agreement with CGI, Inc., a copy of which is attached hereto, for the production of community video material for use by the City.

Passed - Vote 7-0

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

**VOTE (16)**

Motion by Councilor D'Auteuil, second by Councilor Libby:

To suspend the Rules of the City Council to consider requesting the Planning Board to take up the issue of the regulation of chickens in the City. Passed - Vote 7-0

**VOTE (17)**

Motion by Councilor D'Auteuil, second by Councilor Libby:

To request that the Planning Board review the Land Use ordinances of the City for the purpose of expanding the areas of the City in which chickens would be allowed and to present an ordinance to that effect along with its recommendation to the City Council. Passed - Vote 7-0

The Mayor requested a workshop at the next Council meeting to review the proposed panhandling ordinance. Councilor Desjardins asked for information on the creation of an ordinance regarding the care and upkeep of vacant homes for sale and wondered if the Realtors could somehow be held accountable for the appearance of the properties. He noted several homes in his ward that are empty and for sale with tall grass, etc. Councilor Saddlemire also requested a discussion at the next meeting regarding a city wide ban on fireworks and suggested a Resolution to the Legislature asking for a statewide ban.

**VOTE (18)**

Motion by Councilor Butler, second by Councilor Cayer:

To adjourn at 8:30P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine