

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 19, 2013

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 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.

Moment of Silence.

LEWISTON YOUTH ADVISORY COUNCIL UPDATE

The LYAC chairperson discussed their recent DVD on homeless students at LHS noting it will be shown next week at Bowdoin College during a student film festival. He said their next project will be creating a positive approach toward addressing bullying.

PUBLIC COMMENT PERIOD

Charles Soule of 135 Bartlett Street he read in the Sun Journal recently an article quoting Auburn Mayor Labonte about the possibility of reviewing consolidation efforts with Lewiston. Mr. Soule noted in 2006 he suggested the two cities consolidate for a substantial savings. Richard White of 232 Blake Street commented on Kennedy Park noting there are kids in there at all hours of the night and he suggested the City form a group of volunteers to fix up and patrol the area and to improve the appearance especially regarding trash issues.

At this time, the Mayor took agenda item number ten out of order and addressed it at this time.

RESOLVE AUTHORIZING THE FRIENDS OF PETTINGILL TO SOLICIT AND RAISE FUNDS FOR THE PROPOSED PETTINGILL PARK

VOTE (1)

Motion by Councilor Butler, seconded by Councilor Cayer:

To approve the Resolve authorizing the Friends of Pettingill to solicit and raise funds for the proposed Pettingill Park:

Whereas, the City Council has adopted a resolution authorizing the demolition of the former Pettingill School; and

Whereas, the Council has also indicated support for retaining a playground and green space on this property while potentially allowing for some residential development; and

Whereas, residents of the neighborhood have organized a group, the Friends of Pettingill School, for the purpose of working toward the development of a park on this property; and

Whereas, this group has expressed an interest in raising funds toward this project and has requested permission from the City to do so and to request that such donations be made to the City to be held in an account for this purpose;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the Friends of Pettingill is hereby authorized to solicit and raise donations for the purpose of establishing a park and playground on the former Pettingill School property. This authorization shall remain valid until January 1, 2014 unless further extended by action of the Council. Pledges and Donations for this purpose shall be made to the City of Lewiston and shall be deposited in a separate account established by the Finance Director for this purpose. The Finance Director shall provide all donors with receipts recognizing their contribution. If, for any reason, this project is not completed, the Finance Director shall return any donations actually received by the City to the donor.

Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR THE CAGE, 97 ASH STREET

The Mayor opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (2)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To grant a Special Amusement Permit for live entertainment to The Cage, 97 Ash Street.

Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR SEA ASIAN BISTRO, 40 EAST AVENUE

The Mayor opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (3)

Motion by Councilor Butler, seconded by Councilor Libby:

To grant a Special Amusement permit for live entertainment to Sea Asian Bistro, 40 East Avenue. Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMIT FOR BARNIE'S BAR & BRILL,
1065 SABATTUS STREET**

The Mayor opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (4)

Motion by Councilor Christ, seconded by Councilor Butler:

To grant a Special Amusement permit for live entertainment to Barnie’s Bar & Grill, 1065 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE PARKS & RECREATION ORDINANCE AND THE ANIMALS ORDINANCE REGARDING THE RENAMING OF PIERCE STREET PARK TO THE MARK W. PARADIS PARK

The Mayor opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (5)

Motion by Councilor Saddleire, seconded by Councilor Christ:

That the proposed amendments to the City Code of Ordinances, Chapter 54 “Parks and Recreation” and Chapter 14 “Animals” regarding the renaming of Pierce Street Park and the Multi-Purpose Center playground, receive final passage by a roll call vote.

Passed - Vote 7-0

CONDEMNATION HEARING FOR THE BUILDING LOCATED AT 93 KNOX STREET

The Mayor read a prepared statement regarding the process of the hearing. No City Councilors had a conflict of interest with this item. Director of Planning and Code Enforcement Gil Arsenault and Code Enforcement Officer Tom Maynard provided information and photos from their inspections of the property, noting numerous fire code and safety code violations.

VOTE (6)

Motion by Councilor Butler, seconded by Councilor Christ:

With regard to the property at 93 Knox Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City’s costs through a special tax or collective action. Passed - Vote 7-0

CONDEMNATION HEARING FOR THE BUILDING LOCATED AT 139 BARTLETT STREET

The Mayor read a prepared statement regarding the process of the hearing. No City Councilors had a conflict of interest with this item. Director of Planning and Code Enforcement Gil Arsenault and Code Enforcement Officer Tom Maynard provided information and photos from their inspections of the property, noting numerous fire code and safety code violations. An attorney representing the servicer of the loan was present and said they just accepted service of the notice yesterday and are requesting a 30 day hold in order to conduct their inspection of the property to decide if they want to repair it or sell it, and to create a plan of action moving

forward. Mr. Arsenault noted the property was condemned in 2013 and there has been no communication from the bank in response to numerous contacts from the City.

VOTE (7)

Motion by Councilor Butler, seconded by Councilor Cayer:

With regard to the property at 139 Bartlett Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action. Passed - Vote 7-0

RESOLVE REGARDING THE ADOPTION OF THE FISCAL YEAR 2014 LEWISTON FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM

Planning Board member Kevin Morrissette of 223 Lisbon Street urged the Council to be more fiscally responsible with the LCIP and suggested saving \$1 million by removing funds for the demolition of Bates Mill #5, the wash bay and road rehabilitation.

VOTE (8)

Motion by Councilor Cayer, second by Councilor Butler:

To receive and review the recommendations from the Finance Committee and the Planning Board regarding the FY14 Lewiston Capital Improvement Plan. Passed - Vote 7-0

VOTE (9)

Motion by Councilor Butler, seconded by Councilor Christ:

That pursuant to Article VI, Section 6.07 (d) of the City Charter, the City Council hereby approves the Resolve adopting the Fiscal Year 2014 Lewiston Five-Year Capital Improvement Program, as prepared by the City Administrator:

Whereas, the City Charter requires that a capital improvement program be prepared annually for review by the Planning Board, Finance Committee, and City Council and be adopted by the City Council at least four months prior to the end of the current fiscal year; and

Whereas, the intent of such a program is to outline a five year plan to address the community's infrastructure and other capital improvement needs and, more specifically, to outline those projects anticipated for the coming year in advance of consideration of the annual budget; and

Whereas, as proposed, the plan calls for \$145,747,446 in projects, \$63,217,033 of which would be supported from City resources including \$33,020,120 in tax supported general obligation bonds and \$23,306,400 in enterprise supported bonds; and

Whereas, the plan proposes authorizing \$7,835,375 in general obligation bonds and \$7,016,000 in enterprise bonds during Fiscal Year 2014; and

Whereas, \$1,961,703 in general obligation bonds falls outside of the \$5,873,672 ordinance limitation on annual bond authorizations, thus allowing for these bonds to be issued by a simple majority vote of the Council; and

Whereas, adopting this plan will provide guidance to the Council and staff but does not constitute formal authorization to proceed with the projects included, the funding for which must be separately authorized by the City Council;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the 2014 City of Lewiston Five-Year Capital Improvement Program is hereby adopted.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A REVISED LEASE AGREEMENT WITH CASELLA RECYCLING, LLC TO ALLOW THE CONSTRUCTION AND OPERATION OF A RECYCLING MATERIALS PROCESSING FACILITY AT THE CITY'S SOLID WASTE FACILITY ON RIVER ROAD

Dan Gregoire of 19 Mitchell Street commented on Article II regarding the request for a two month lease extension and if any compensation was offered by Casella for the extension.

VOTE (10)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Order authorizing the City Administrator to execute a revised lease agreement with Casella Recycling, LLC to allow for the construction and operation of Recyclable Materials Processing Facility at the City's Solid Waste Facility on River Road:

Whereas, the City instituted single stream recycling in July 2011, and, since then, has seen an approximate 50% increase in recycled materials collected; and

Whereas, the City currently delivers this material to our Solid Waste Facility where it is shipped by Casella to its processing facility in Charlestown, Massachusetts; and

Whereas, Casella Recycling has approached the City with a proposal to develop a recyclable materials processing facility at our Solid Waste complex; and

Whereas, this proposal will make use of a currently underutilized City facility; provide the City with first year taxes, lease payments, and fees of approximately \$163,000; and reduce certain current City operating expenses; and

Whereas, the total estimated positive impact to the City's bottom line is in excess of \$250,000, an amount that will increase over time; and

Whereas, this proposal will create 25 new jobs, guarantee the City the best commercial rates for accepting and processing recyclables, and will support the City's efforts to increase recycling in our community and region; and

Whereas, the City Council approved such lease agreement at its regular meeting of January 22, 2013; and

Whereas, since then, a number of minor changes, modifications, and corrections to the agreements have been identified by staff and Casella; and

Whereas, the most significant change extends the construction date from eight to ten months from the date the lease is signed and the effective date of lease payments from six to eight months from the construction date;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a revised agreement with Casella Recycling, LLC, subject to his review and approval of the form of bonds to be furnished by Casella pursuant to Section 25 of the agreement, to allow for the construction and operation of a recyclable materials processing facility at the City's solid waste complex on River Road, such lease to be substantially in the form as is attached hereto.

Passed - Vote 7-0

ORDER AUTHORIZING ACCEPTANCE OF PROPERTY PER THE JOINT DEVELOPMENT AGREEMENT FOR STORMWATER PONDS 1 AND 2 AS PART OF THE GENDRON PARK DEVELOPMENT

VOTE (11)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the Order authorizing acceptance of property per the Joint Development Agreement for Stormwater Ponds 1 & 2 as part of the Gendron Park Development:

Whereas, the City of Lewiston and Gendron and Gendron, Inc entered into a Joint Development Agreement (JDA) dated October 9, 2003 for Phase II of the Gendron Business Park; and

Whereas, the JDA addresses conveyance of property from Gendron and Gendron, Inc. to the City of Lewiston for the roads and other infrastructure constructed and approved by the City of Lewiston; and

Whereas, 16 Gendron Drive and 20 Gendron Drive have stormwater detention ponds which collect and treat the stormwater from the roadway and other lots within the development to meet environmental permitting requirements; and

Whereas, the infrastructure on these two lots was constructed and approved as meeting the design requirements; and

Whereas, Gendron and Gendron, Inc has petitioned the City to accept the subject ponds and the property identified as 16 and 20 Gendron Drive; and

Whereas, the City examined and found the Gendron and Gendron, Inc. documents prepared and

submitted for the acceptance of the properties identified as 16 and 20 Gendron Drive are complete and accurate;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City hereby accepts the conveyance of the properties identified as 16 Gendron Drive and 20 Gendron Drive as described in the quitclaim deed and City Councilors will sign the acceptance document.

Passed - Vote 7-0

ORDER TAKING POSSESSION OF THE PROPERTY LOCATED AT 147 SABATTUS STREET AS A RESULT OF A MATURED TAX LIEN

VOTE (12)

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve the Order taking possession of the property located at 147 Sabattus Street as a result of a matured tax lien:

Whereas, a lien for tax year 2011 has matured on the property located at 147 Sabattus Street; and

Whereas, this ten unit multi-family building has been vacant for longer than sixty days; and

Whereas, under such circumstances, the City becomes the owner of the property; and

Whereas, as such, it is appropriate for the City to take possession of the property and work toward the redevelopment or removal of the structure;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City hereby takes possession of the property located at 147 Sabattus Street as a result of a matured property tax lien and City staff is authorized to take the necessary steps to ensure that the property is properly secured and to develop alternatives for the redevelopment or removal of the structure located there.

Passed - Vote 7-0

ANNUAL APPOINTMENT FOR THE LEWISTON-AUBURN RAILROAD COMPANY BOARD OF DIRECTORS

VOTE (13)

Motion by Councilor Christ, seconded by Councilor Libby:

To accept the nominations from the Lewiston Auburn Railroad Board of Directors and to elect the following residents to serve on the Lewiston Auburn Railroad Company Board of Directors:

- 1) Gerard J. B Raymond, three year term expiring April 2016
- 2) Laurier T. Raymond, three year term expiring April 2016

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Libby provided an update on the state supplemental budget process and the impact on GA funding.

OTHER BUSINESS

Councilor Saddlemire asked if the City should develop a policy regarding demolitions and the impact on the abutters such as noise, dust, etc. He said the standards would apply to both city and private demolitions.

VOTE (14)

Motion by Councilor Butler, second by Councilor Cayer:

To adjourn at 8:40P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine