

CITY OF LEWISTON

CITY COUNCIL

JUNE 4, 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.

PUBLIC COMMENT PERIOD

Steven Goulet, a local landlord with properties on Pine Street, spoke about the fines for solid waste if the trash is by the curb before the deadline. He noted he received a citation for having his trash out at 10:20pm on a Wednesday night.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (1)

Motion by Councilor Saddlemire, seconded by Councilor Libby:

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 items as outlined on the attached listing, less administrative fees or any portion thereof, in the cases of US Department of Justice Drug Enforcement Administration vs the cases outlined on the attached listing. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the ‘City of Lewiston Drug Enforcement Program’ account.
Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (2)

Motion by Councilor Saddlemire, seconded by Councilor Libby:

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 \$804.00, or any portion thereof, in the case of the State of Maine vs. Jeppie Phillips, CR-12-784 Court Records, being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the ‘City of Lewiston Drug Enforcement Program’ account.
Passed - Vote 7-0

ADOPTION OF MEETING SCHEDULE FOR JULY AND AUGUST

VOTE (3)

Motion by Councilor Saddlemire, seconded by Councilor Libby:

To suspend Section 1 (a) of the Rules Governing the City Council and to only hold one regular meeting during the month of July, said meeting to be held on Tuesday, July 16 at 7pm and to hold only one regular meeting during the month of August, said meeting to be held on Tuesday, August 13 at 7pm. Passed - Vote 7-0

RESOLVE ACCEPTING A GRANT FROM THE UNITED STATES TENNIS ASSOCIATION OF NEW ENGLAND FOR THE PURPOSE OF SUPPORTING A YOUTH 10 AND UNDER JUNIOR TEAM TENNIS LEAGUE

VOTE (4)

Motion by Councilor Saddlemire, seconded by Councilor Libby:

To approve the Resolve accepting a grant from the United States Tennis Association of New England for the purpose of supporting a Youth 10 and under Junior Team Tennis League:

Whereas, USTA New England awarded a \$2,000 grant to purchase tennis equipment; and

Whereas, this Grant will support a new instructional format for the 10 and under division within the Lewiston Recreation Department Tennis Program; and

Whereas, USTA New England is dedicated to community outreach and supporting youth tennis programs;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that a grant in the amount of \$2,000 from USTA New England is hereby accepted for the purpose of purchasing equipment (age appropriate tennis balls, nets, straps and racquets) for the 10 and under Tennis Program.

Be it Further Resolved that the City Council expresses its thanks and appreciation to USTA New England for its contribution.

Passed - Vote 7-0

RESOLVE ACCEPTING DONATIONS FOR THE PURPOSE OF SUPPORTING PERFORMING ARTS PROGRAMS FOR CHILDREN WITHIN THE LEWISTON AND AUBURN AREA

VOTE (5)

Motion by Councilor Saddlemire, seconded by Councilor Libby:

To adopt the Resolve accepting donations for the purpose of sponsoring performing arts programs for children in the Lewiston and Auburn area:

Whereas, The Lewiston Department of Recreation and the Auburn Recreation

Department combine efforts to bring the Wednesdays in the Park Program to both Communities; and

Whereas, Wednesdays in the Park celebrates its thirty-fourth season of performing arts this year; and

Whereas, for five weeks during the summer months, various performers will entertain hundreds of children at different park sites throughout Lewiston and Auburn; and

Whereas, local businesses and organizations donate funds to support the entire operating budget for the Wednesdays in the Park Program;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that there is hereby accepted the donations and promotion from the following local businesses and organizations for the Wednesdays in the Park Program.

2013 WEDNESDAYS IN THE PARK SPONSORS

ACA Dr. Paul Fortier Chapter 52	\$100
Auburn Exchange Club	\$250
Franco American War Veterans Inc. Post 31	\$50
Great Falls Security Systems	\$50
Lewiston Housing Authority	\$25
Liberty Mutual	\$1,000
Mechanics Savings Bank	\$250
Maine Family Credit Union	\$50
Pike Industries	\$50
Platz Associates	\$50
Sam’s Italian Sandwich Shoppes	<u>\$50</u>
Total	\$1,875

Be it Further Resolved that the City Council expresses its thanks and appreciation to the local businesses and organizations that have contributed funding and promotion to make this program possible.

Passed - Vote 7-0

AMENDMENTS TO THE LIBRARY POLICIES REGARDING OVERDUE MATERIALS AND FEES

VOTE (6)

Motion by Councilor Saddlemire, seconded by Councilor Libby:

To approve the proposed amendments to the Library Policies, City Policy Manual Number 39, as recommended by the Library Director and the City Administrator. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS LOCATED
AROUND THE CITY FOR THE BANDS ON THE RUN HALF MARATHON EVENT**

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

VOTE (7)

Motion by Councilor Libby, seconded by Councilor Saddlemire:

To conduct a public hearing on an application from Museum L/A for the outdoor concerts to be held at several city park locations on Saturday June 23, 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 Museum L/A for the outdoor concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS SPONSORED BY
L/A ARTS AT DUFRESNE PLAZA**

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

VOTE (8)

Motion by Councilor Cayer, seconded by Councilor Saddlemire:

To conduct a public hearing on an application from L/A Arts for the evening outdoor concerts to be held at Dufresne Plaza or Kennedy Park on June 28, July 26, August 30, September 27, October 11 and 12 and November 30, 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 L/A Arts for the outdoor concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT
PERMIT FOR AN OUTDOOR MUSIC CONCERT TO BE HELD AT THE SIMARD-
PAYNE PARK AND REQUEST FOR WAIVER OF LICENSING FEES FOR
THE EVENT**

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

VOTE (9)

Motion by Councilor Cayer, seconded by Councilor Christ:

To conduct a public hearing on an application for an outdoor entertainment event for the Safe Voices walk event, 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 Safe Voices for the event to be held at the Simard-Payne Park on Saturday, June 15, 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

VOTE (10)

Motion by Councilor Libby, seconded by Councilor Christ:

To grant a waiver of \$69 for the peddling permit for product sales at their event.
Passed - Vote 7-0

PUBLIC HEARING AND ADOPTION OF THE FY2014 LEWISTON CAPITAL IMPROVEMENT PROGRAM BOND ISSUE ORDER

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

VOTE (11)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To adopt the FY2014 Lewiston Capital Improvement Program Bond Issue Order authorizing the issuance of \$12,407,625 in Public Improvement Bonds and making an appropriation for certain capital projects:

Ordered, that \$12,407,625 be appropriated for financing the following projects in the Lewiston Capital Improvement Program:

Project	Amount
911 Server Virtualization Phase III	49,500
Wayfinding Signs	50,000
Demolition Bates Mill #5	2,500,000
Demolition Pettingill School	130,000
Hardware Replacement	132,600
Software Replacement	221,225
Exterior Energy Improvements	200,000
Road Construction	350,000
Road Rehab	630,000
Walnut Street	360,000
PW Storage & Improvements	310,000
Main St. Traffic Imp. - Local	176,300
Don Rioux Field - Art. Turf	187,000
Track Resurfacing	50,000
Marcotte Playground Imp.	75,000
Total General Fund Requests	5,421,625

Don Rioux Field - Art. Turf	187,000
Track Resurfacing	50,000
LHS Waterproof Exterior Walls	69,000
District Classroom Door Locks	104,000
Total School Requests	410,000
LA Treatment Program	250,000
Distribution Main Replacement	1,713,000
Tank Mixing System	100,000
Total Water Fund Requests	2,063,000
Sanitary Sewer Main Rehabilitation	556,000
Interceptor Inspection & Rehabilitation	200,000
Inflow/Infiltration Removal Program	450,000
Jepson Brook Drainage Area	1,000,000
Oak Street Sewer Separation	200,000
CSO 15 Year Master Plan	75,000
Total Sewer Fund Requests	2,481,000
Hart Brook Water Quality Restoration	150,000
Storm Drain for Road Rehab. Projects	282,000
Bellevue Ave. Drainage Improvements	75,000
Gould Road Storm Drain Repair	150,000
Jepson Brook Channel Study	100,000
Jepson Brook Drainage Area	1,000,000
Oak Street Sewer Separation	200,000
CSO 15 Year Master Plan	75,000
Total Stormwater Fund Requests	2,032,000
Total 2014 LCIP Requests	<u>12,407,625</u>

Further Ordered, that to meet this appropriation, \$12,407,625 shall be raised by Public Improvement Bond Issue(s);

Further Ordered, that the City Council instruct the Finance Director to advertise for bids for \$12,407,625 or increments thereof, Public Improvement Bonds; to award the loan; and to employ Edwards Wildman Palmer LLP to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

Further Ordered, that the bonds shall be signed by the City Treasurer and Mayor;

Further Ordered, that the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

Further Ordered, that bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Further Ordered, on or before the call date, the Finance Director is authorized to refund/advance refund this bond series if a net present value benefit is derived.

Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE BUILDINGS AND BUILDING REGULATIONS ORDINANCE REGARDING THE PROPERTY MAINTENANCE CODE

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

VOTE (12)

Motion by Councilor Butler, seconded by Councilor Christ:

That the proposed amendment to the City Code of Ordinances, Chapter 18, "Buildings and Building Regulations", Section 18-52. "Amendments to the Property Maintenance Code", 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. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE REGARDING THE REGULATION OF SYNTHETIC DRUGS

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

VOTE (13)

Motion by Councilor Cayer, seconded by Councilor Christ:

That the proposed amendment to the City Code of Ordinances, Chapter 50 "Offenses and Miscellaneous Provisions", Article IX. "Synthetic Drugs", 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. Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE FIRST AMENDMENT #1 TO INTERLOCAL COOPERATION AGREEMENT #2 FOR LAKE AUBURN INTAKE AND WATER TREATMENT

VOTE (14)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To approve the Order authorizing the City Administrator to execute the First Amendment #1 to Interlocal Cooperation Agreement #2 for Lake Auburn Intake & Water Treatment:

Whereas, Maine Law permits municipalities to enter into interlocal cooperation agreements to make efficient use of their powers and to cooperate with other municipalities or political subdivisions on a basis of mutual advantage to provide services and facilities to the local communities; and

Whereas, on October 3rd, 1997, the City of Lewiston and the Auburn Water District signed an Interlocal Agreement for the Lake Auburn Intake and Water Pretreatment facilities at the lake, an agreement which remains in effect and binding on both parties; and

Whereas, the parties completed a joint ultra-violet (UV) light water treatment facility in 2012 to comply with the Safe Drinking Water Act; and

Whereas, the complexity of the operation of the UV light treatment plant requires management and oversight by a Class IV Water Treatment Operator as mandated and licensed by the Maine Drinking Water Program; and

Whereas, the Trustees of the Auburn Water District approved moving forward with the hiring of a Licensed Class IV Operator to manage the UV Facility at their November 14, 2012 meeting, subject to a 50/50 cost sharing arrangement with the Lewiston Water Division; and

Whereas, the attached proposed Amendment to the 1997 agreement has been signed by the current Auburn Water District General Manager and has been reviewed and is recommended by City of Lewiston staff; and

Whereas, the funding for the Water Treatment Plant Manager is available in the City of Lewiston Water Utility budget;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is Authorized to execute the First Amendment #1 to Interlocal Cooperation Agreement #2 For Lake Auburn Intake & Water Treatment.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND
ENTER INTO A PURCHASE AND SALE AGREEMENT FOR THE
REDEVELOPMENT OF 147 SABATTUS STREET**

VOTE (15)

Motion by Councilor Libby, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator to negotiate and enter into a Purchase and Sale Agreement for the redevelopment of 147 Sabattus Street:

Whereas, the City acquired ownership of 147 Sabattus Street on the basis of a matured property tax lien; and

Whereas, the property consists of two buildings with ten rental units; and

Whereas, the property has been vacant and abandoned for some time and is severely deteriorated; and

Whereas, a request for proposals was issued for the redevelopment of the property which resulted in one response from Great Falls Development Group, Inc.; and

Whereas, the proposal calls for complete renovation of the property into nine market rental units and one office, and Great Falls has offered to purchase the property from the City for \$12,000; and

Whereas, such redevelopment would eliminate the necessity for the City to demolish the structures and allow the City to focus its limited demolition funding on other properties requiring attention; and

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to negotiate and enter into a purchase and sale agreement with Great Falls Development Group, Inc. for the purchase, sale, and redevelopment of 147 Sabattus Street.

Passed - Vote 7-0

ORDER TAKING POSSESSION OF TAX ACQUIRED PROPERTIES AT 1 ACORN LANE, 6 GALINA AVANUE, 8 GALINA AVENUE, 6 MARIE CIRCLE REAR, 47 RIVER STRET AND 48 RIVER STREET

VOTE (16)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the Order taking possession of Tax Acquired Properties at 1 Acorn Lane, 6 Galina Avenue, 8 Galina Avenue, 6 Marie Circle Rear, 47 River Street and 48 River Street:

Whereas, staff has recently undertaken a review of properties on which tax liens have matured; and

Whereas, among such properties are six vacant parcels of land; and

Whereas, after numerous attempts to contact the owners through the normal collection and tax lien process and in accordance with City Policy #92, Properties with Matured Tax or Sewer Liens, a thirty-day matured lien demand letter was sent to property owners on March 29, 2013 in which they were informed that if amounts due the City were not paid, the City Council would consider taking possession of the property at its meeting of June 4, 2013; and

Whereas, in spite of these additional efforts, the amounts due to the City have not been paid; and

Whereas, as a result, it is appropriate for the City Council to act to take possession of these properties and consider their future use and/or disposition;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that, based on matured tax liens, the City take formal possession of the following properties: 1 Acorn Lane, 6 Galina Avenue, 8 Galina Avenue, 6 Marie Circle Rear, 47 River Street, and 48 River Street; and

Be it Further Ordered, that subject to a positive recommendation from the Planning Board, the following properties be offered for sale through a formal sealed bid process: 1 Acorn Lane, 6 Galina Avenue, 8 Galina Avenue, 6 Marie Circle Rear, and 48 River Street.

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Saddlemire noted there is a Bike-Pedestrian committee meeting tomorrow night and everyone is welcome to attend. He also asked about the proposed demolition of St. Joseph's church. Director of Planning and Code Enforcement Gil Arsenault reviewed the city's regulations regarding historic buildings, a need for a certificate of appropriateness and the economical possibility of renovations. Councilor Cayer inquired about the vacant lots once the City demolishes old buildings and asked about keeping the lot bare with sand as opposed to loam and seed. Councilor Desjardins mentioned a citizen appeal to the Forestry Board. Councilor Saddlemire noted a 90 minute documentary he is creating about the City.

OTHER BUSINESS

VOTE (17)

Motion by Councilor Libby, seconded by Councilor Cayer:

To suspend the Rules Governing the City Council and to add an Executive Session to the agenda.
Passed - Vote 7-0

VOTE (18)

Motion by Councilor Cayer, seconded by Councilor Libby:

To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

VOTE (19)

Motion by Councilor Butler, seconded by Councilor Christ:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (C) to discuss Acquisition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session began at 8:45pm and ended at 9:05pm

VOTE (20)

Motion by Councilor Butler, second by Councilor Christ:

To adjourn at 9:05P.M. Passed - Vote 7-0

CITY COUNCIL

JUNE 4, 2013

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine