

CITY OF LEWISTON

CITY COUNCIL

AUGUST 13, 2013

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 5:30 P.M

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors D’Auteuil, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo. Absent/Excused: Councilors Butler and Libby. (Note – Under the City Charter, the Mayor is permitted to cast one vote in the absence of a City Councilor.)

Pledge of Allegiance to the Flag.

Moment of Silence.

EXECUTIVE SESSION

VOTE (1)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

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 6-0

Session started at 5:31pm and ended at 5:55pm. Then the Council entered into workshop session until the start of the regular meeting.

7:00pm Regular Meeting

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

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

Pledge of Allegiance to the Flag.

Moment of Silence.

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time period.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (2)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

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 6-0

AMENDMENT TO THE CITY POLICY FOR MISCELLANEOUS FEES AND PENALTIES TO CLARIFY THE PENALTIES FOR VIOLATION OF THE FIREWORKS ORDINANCE

VOTE (3)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To adopt an amendment to the City Policy Manual, Policy Number 81 – City Department Miscellaneous Fees and Penalties, to add a section regarding penalties for violations of the fireworks ordinance. Passed - Vote 6-0

AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING REGULATION OF PARKING AROUND THE LEWISTON MIDDLE SCHOOL

VOTE (4)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To adopt the proposed amendments to the Traffic Schedule regarding the regulation of parking for a portion of Campus Avenue and Central Avenue, as outlined on the vote sheet.

Passed - Vote 6-0

COMMITTEE APPOINTMENTS TO THE PLANNING BOARD AND LEWISTON-AUBURN TRANSIT COMMITTEE

VOTE (5)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To appoint Matthew Mastrogiacomo of 12 Jean Street as an alternate member of the Planning Board for a five year term, said term to expire January 5, 2016 and to appoint Christina Berry and Lucy Bisson each to a three year term on the Lewiston Auburn Transit Committee, said terms to expire June 15, 2016. Passed - Vote 6-0

AUTHORIZATION FOR CITY ADMINISTRATION TO EXECUTE THE AGREEMENT WITH THE STATE OF MAINE GOVERNING USE OF VOTING EQUIPMENT

VOTE (6)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To authorize the City Administrator to execute the Agreement with the State of Maine governing the use of voting equipment. Passed - Vote 6-0

**PUBLIC HEARING ON A SPECIAL AMUSEMENT PERMIT FOR
THE CARRIAGE HOUSE PLUS, 1119 LISBON STREET**

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

VOTE (7)

Motion by Councilor Cayer, seconded by Councilor Christ:

To grant a Special Amusement permit for live entertainment to The Carriage House Plus, 1119 Lisbon Street. Passed - Vote 6-0

**PUBLIC HEARING ON A SPECIAL AMUSEMENT PERMIT FOR SPARETIME
RECREATION, 24 MOLLISON WAY**

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

VOTE (8)

Motion by Councilor Christ, seconded by Councilor Saddlemire:

To grant a Special Amusement permit for live entertainment to Sparetime Recreation, 24 Mollison Way. Passed - Vote 6-0

**AMENDMENTS TO THE CITY POLICY MANUAL REGARDING
RESIDENTIAL LOAN PROGRAMS**

Director of Economic and Community Development Lincoln Jeffers and Grant writer Jayne Jochen made a presentation on the loan program changes and provided background on the issue.

VOTE (9)

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

To adopt the Resolve amending Master Policy Residential Loan Programs:

Whereas, the City of Lewiston is annually a recipient of federal Community Development Block Grant funding; and as part of a consortium with Auburn, a recipient of federal HOME Investment Partnership funding; and

Whereas, these funds are primarily to be used to benefit low to moderate income residents; and

Whereas, the provision of safe, decent and affordable housing is one of the primary goals of CDBG funding, and the sole eligible use for HOME funding; and

Whereas, a significant portion of Lewiston's housing stock, especially in the downtown CDBG Target Area, was built prior to 1940; and

Whereas, these residential properties are in need of rehabilitation and new investment; and

Whereas, the City wants to support rehabilitation of 1 -4 unit residential properties and owner occupancy in the Target Area; and

Whereas, the City Residential Loan Programs needed to be amended to better achieve these goals; and

Whereas, the Residential Loan Programs capitalized by HOME have been updated by the Consortium and need to be adopted as part of the City's Master Policies;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that Master Policy 40, *Housing Program Guidelines*, be repealed; and that two new master policies be created to replace it: Master Policy 12-3, *Homeowner Emergency Loan Program*; and Master Policy 12-4, *Rental Rehabilitation Loan Program*; and that the application section referenced as *Boilerplate* in the City Council package be approved and adopted as part of Master Policies 12-3 and 12-4 individually or severally.

Be It Further Resolved, that the amended Master Policies 12-1, *Homebuyer Loan Program Guidelines*; and 12-2, *Homeowner Rehabilitation Loan Program Guidelines*, be adopted.

Passed - Vote 6-0

**AMENDMENTS TO THE CITY POLICY MANUAL REGARDING THE
COMMERCIAL LOAN PROGRAM POLICY**

VOTE (10)

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

To amend the Commercial Loan Program Policy regarding the Façade Improvement Program and the Life Safety Grant/Loan Program, Policy Manual Number 27, as recommended by the Community Development Department staff and City Administrator. Passed - Vote 6-0

**RESOLVE AUTHORIZING THE TRANSFER OF \$259,000 FROM THE 2012 MDOT
RIVERSIDE GREENWAY PROJECT TO THE MDOT SABATTUS STREET SIGNAL
UPGRADE AND THE MDOT LISBON STREET REHABILITATION AND
INTERSECTION UPGRADE PROJECTS**

Public Works Director David Jones provides background information on this issue.

VOTE (11)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To approve the Resolve authorizing the Transfer of \$259,000 from the 2012 MDOT Riverside Greenway Project to the MDOT Sabattus Street Signal Upgrade and the MDOT Lisbon Street Rehabilitation and Intersection Upgrade Projects:

Whereas, the City's local share of the 2012 MDOT Riverside Greenway Project was scheduled to be bonded at the approved \$464,000 amount; and

Whereas, due to MDOT's reduction in project scope and competitive construction pricing obtained, the City of Lewiston's local share requirement is reduced to \$185,600; and

Whereas, given that MDOT has accelerated the funding for the Sabattus Street Signal Upgrade and the MDOT Lisbon Street Rehabilitation and Intersection Upgrade Projects, the City will be required to provide an as yet unappropriated 10% local match;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the transfer of \$259,000 from the 2012 MDOT Riverside Greenway Project to the MDOT Sabattus Street Signal Upgrade Project at \$79,000, the MDOT Lisbon Street Rehabilitation Project at \$102,000, and the Lisbon Street Intersection Upgrade Project at \$78,000 is hereby approved.

Passed - Vote 6-0

RESOLVE RESCINDING THE FY2012 \$50,000 AUTHORIZATION TO PURCHASE VOTING MACHINES

VOTE (12)

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

To approve the Resolve rescinding the FY2012 \$50,000 authorization to purchase voting machines:

Whereas, in the FY2012 LCIP, the City Council approved \$50,000 to purchase our share of new voting machines required by the State; and

Whereas, subsequently the State decided to lease the new voting machines they are providing at no cost to the City to meet a portion of the City's need for such machines; and

Whereas, as a result, the City has also decided to lease the necessary additional machines given that there is no guarantee the state will continue to lease the same machines at the end of the lease period; and

Whereas, the first lease payment is due September 30, 2013, and was budgeted in the City Clerk's FY2014 operating budget; and

Whereas, since the City is no longer purchasing the new voting machines, the original 2012 bond project is no longer needed.

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the FY2012 \$50,000 authorization to purchase voting machines is hereby rescinded.

Passed - Vote 6-0

RESOLVE AUTHORIZING THE TRANSFER OF \$33,000 FROM THE POLICE DEPARTMENT SIDEWALK PROJECT TO THE POLICE DEPARTMENT ANNEX PARKING RESURFACING PROJECT

VOTE (13)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Resolve authorizing the transfer of \$33,000 from the Police Department Sidewalk Project to the Police Department Annex Parking Resurfacing Project:

Whereas, the City bonded \$50,000 to replace the Police Department sidewalk with stamped and painted asphalt and improve drainage in the area; and

Whereas, the Director of Public Buildings elected to forgo the stamped and painted detail portion of the project which produced a project surplus of \$33,000; and

Whereas, the Police Department Annex Parking area is a dirt based, rutted lot that abuts Lisbon Street and is not aesthetically pleasing as travelers flow into the downtown gateway;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston, that the transfer of \$33,000 from the Police Department Sidewalk Project to the Police Department Annex Parking Resurfacing Project is hereby authorized.

Passed - Vote 6-0

ORDER AUTHORIZING THE CHANGE OF VOTING LOCATION FOR WARD SIX TO THE GREEN LADLE/LEWISTON REGIONAL TECHNICAL CENTER ON EAST AVENUE

VOTE (14)

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

To approve the Order authorizing the change of voting location for Ward Six to The Green Ladle/Lewiston Regional Technical Center on East Avenue:

Whereas, the City of Lewiston is responsible for securing buildings within the city to serve as polling place locations for the residents,

Whereas, these buildings are required to meet all federal requirements for accessibility,

Whereas, it is desirous of the City to hold elections in buildings that are city-owned buildings to allow convenient access to buildings and to avoid any conflicts with privately owned buildings,

Whereas, there are no suitable buildings regarding size, location, accessibility and parking located within Ward Six,

Whereas, Lewiston Regional Technical Center building on the high school campus on East Avenue, known as The Green Ladle, is located in Ward Five and is available for use to serve as a polling location, has a large conference room, has a large parking lot, is ADA accessible, is located on the city bus route and a major city travel way, and would be considered convenient to access for residents of Ward Six,

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Council finds there are no suitable buildings within Ward Six to serve as a polling place location and the City Council supports the relocation of the Ward Six polling site to The Green Ladle building on East Avenue, located in Ward Five.

Passed - Vote 6-0

AUTHORIZATION FOR THE CITY CLERK TO CAST THE CITY'S BALLOT FOR THE MAINE MUNICIPAL ASSOCIATION'S EXECUTIVE COMMITTEE AND VICE-PRESIDENT

VOTE (15)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To approve the slate of candidates as presented on the Maine Municipal Association's ballot and to authorize the City Clerk to cast the City's ballot for the Maine Municipal Association's Executive Committee and Vice-President. Passed - Vote 6-0

REPORTS AND UPDATES

Fireworks Statistics Update – The Chief of Police presented a report regarding the number of complaints received by the Police Department about fireworks. From January 1, 2013 thru July 12, 2013 (not including July 4), the Department received 187 complaints. On July 4, they received 37 complaints. However, fireworks are permitted in some parts of the City on July 4.

OTHER BUSINESS

VOTE (16)

Motion by Councilor Cayer, seconded by Councilor Christ:

To appoint Larry J. Poulin of Sabattus Street to serve a three year term on the Forestry Board, said term filling a current vacancy. Passed - Vote 6-0

The City Administrator announced the county budget caucus is August 21 when nominations will be made for people to serve on the committee. He noted there are three county districts in Lewiston and according to the new county charter, there must be one elected official serving from each district. The Council will vote to approve the nominees at the September 3 meeting.

EXECUTIVE SESSION

VOTE (17)

Motion by Councilor Christ, seconded by Councilor Cayer:

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. Passed - Vote 6-0

Session began at 8:06pm and ended at 8:48pm

VOTE (18)

Motion by Councilor Christ, second by Councilor Saddlemire:

To adjourn at 8:49P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine