

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 17, 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, Libby, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Absent/Excused: Councilor D'Auteuil (Note – Under the City Charter, the Mayor is permitted to cast a vote in the absence of a City Councilor.)

Pledge of Allegiance to the Flag.

Moment of Silence.

LEWISTON YOUTH ADVISORY COUNCIL UPDATE

Councilor Butler presented the report this evening noting the goals for the group in the upcoming year include working on cultural diversity issues, doing some publicity regarding the nature spots in the city and working on the issues of mentally and physically challenged youth.

PUBLIC COMMENT PERIOD

Richard White of 232 Blake Street noted he is a candidate for Ward 5 City Council and he commented on tuition assistance being listed as income when people are working toward their education yet are in need of General Assistance. Charles Soule of 135 Bartlett Street said that he is not seeking the Mayor's seat as a write-in candidate.

ADOPTION OF MEETING SCHEDULE FOR THE MONTH OF NOVEMBER

VOTE (1)

Motion by Councilor Butler, seconded by Councilor Christ:

To suspend Section 1 (a) of the Rules Governing the City Council, to cancel the November 5, 2013 Council meeting due to the conflict with Election Day and to hold one regular meeting during the month of November on Tuesday, November 19th. Passed - Vote 7-0

APPOINTMENT OF VOTING DELEGATES TO THE MAINE MUNICIPAL ASSOCIATION ANNUAL MEETING AND ENDORSEMENT OF PROPOSED AMENDMENTS TO THE MAINE MUNICIPAL ASSOCIATION BYLAWS

VOTE (2)

Motion by Councilor Butler, seconded by Councilor Christ:

To appoint Councilor Butler to serve as the City's delegate to the Maine Municipal Association Annual Meeting in October 2013, to appoint City Administrator Edward A. Barrett to serve as the alternate delegate and to endorse the proposed amendments to the bylaws of the Maine

Municipal Association as presented. Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 36 HIGHLAND AVENUE

VOTE (3)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 36 Highland Avenue:

Whereas, the owner Patricia A. Mussatto failed to pay her water and sewer bill on a timely basis at 36 Highland Avenue (Tax Map 174, Lot 293, Parcel 00-005950);

Whereas, a water lien was filed on September 14, 2011 (Book 8237 Page 161), and matured on March 15, 2013, in the amount of \$158.91;

Whereas, a sewer lien was filed on September 14, 2011 (Book 8237 Page 70), and matured on March 15, 2013, in the amount of \$223.28;

Whereas, payment was received in full on August 28, 2013;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, to issue a quitclaim for 36 Highland Avenue to release the City's interest in the property back to the owner.

Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 67 SOUTH LISBON ROAD

VOTE (4)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 67 South Lisbon Road:

Whereas, the owner Richard Boucher failed to pay his water bill on a timely basis at 67 South Lisbon Road (Tax Map 45, Lot 14, Parcel 00-005284);

Whereas, a water lien was filed on February 18, 2011 (Book 8118 Page 80), and matured on August 19, 2012, in the amount of \$147.83;

Whereas, payment was received in full on July 8, 2013;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, to issue a quitclaim for 67 South Lisbon Road to release the City's interest in the property back to the owner.

Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 11 FURBUSH STREET

VOTE (5)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 11 Furbush Street:

Whereas, the owner Steven L. and Lois M. Breton failed to pay their water and sewer bill on a timely basis at 11 Furbush Street (Tax Map 146, Lot 242, Parcel 00-001840);

Whereas, a water lien was filed on February 18, 2011 (Book 8118 Page 53), and matured on August 19, 2012, in the amount of \$111.98;

Whereas, a sewer lien was filed on February 18, 2011 (Book 8117 Page 330), and matured on August 19, 2012, in the amount of \$168.70;

Whereas, payment was received in full on August 15, 2013;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, to issue a quitclaim for 11 Furbush Street to release the City's interest in the property back to the owner.

Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 113 KING AVENUE

VOTE (6)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 113 King Avenue:

Whereas, the owner Thomas C. Alward failed to pay his real estate bills on a timely basis at 113 King Avenue (Tax Map 170, Lot 59, Parcel 00-008820);

Whereas, a real estate tax lien was recorded on June 17, 2009 (Book 7720 Page 130), and matured on December 17, 2010, in the amount of \$1,554.39;

Whereas, a real estate tax lien was recorded on June 16, 2010 (Book 7951 Page 345), and matured on December 16, 2011, in the amount of \$1,539.85;

Whereas, a real estate tax lien was recorded on June 17, 2011 (Book 8180 Page 132), and matured on December 17, 2012, in the amount of \$1,555.50;

Whereas, payment will be received in full with the sale of property scheduled for September 19, 2013;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, to issue a quitclaim for 113 King Avenue to release the City's interest in the property back to the owner upon payment in full at closing.

Passed - Vote 7-0

At this time, the Mayor took an item for Other Business and addressed it at this time:

RESOLVE AUTHORIZING SUPPORT EFFORTS REGARDING BREAST CANCER AWARENESS ACTIVITIES DURING THE MONTH OF OCTOBER

VOTE (7)

Motion by Councilor Libby, seconded by Councilor Saddleire:

To approve the Resolve authorizing support efforts regarding Breast Cancer Awareness activities during the month of October:

Whereas, October is National Breast Cancer Awareness Month and collaborative efforts of public service organizations, medical associations and government agencies work together to promote breast cancer awareness; and

Whereas, the City of Lewiston and the City of Auburn will combine efforts to promote awareness activities with a "kick off" Celebration on October 1, at 3:30 pm in Simard Payne Park; and

Whereas, a joint Mayoral Proclamation will open the activities announcing National Breast Cancer Awareness Month; and

Whereas, Activities and Displays are scheduled in the month of October throughout the Cities of Lewiston and Auburn;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the City Administrator is authorized to direct city departments to provide applicable city support services to the Breast Cancer Awareness activities during the month of October.

Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR FASTBREAKS, 1465 LISBON STREET

The Mayor opened the public 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 (8)

Motion by Councilor Butler, seconded by Councilor Cayer:

To grant a Special Amusement permit for live entertainment to Fast Breaks, Inc., 1465 Lisbon

Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE REGARDING THE REGULATION OF SOLICITATION/AGGRESSIVE PANHANDLING

The Mayor opened the public 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 (9)

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 X. “Aggressive Panhandling”, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE ON AMENDMENTS TO THE SOLID WASTE ORDINANCE

The Mayor opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. The City Administrator announced some highlights of the new program noting that renters are now able to get an epass and landlords once removed from the program may rejoin it.

VOTE (10)

Motion by Councilor Butler, seconded by Councilor Cayer:

That the proposed amendments to the City Code of Ordinances, Chapter 62 “Solid Waste”, Section 62-11 “Definitions”, Section 62-13 “Municipal collection of solid waste and recyclable materials”, Section 62-14 “Fee Schedule”, Section 62-22 “Recycling Agreement”, Section 62-23 “Spring cleanup event” and Section 62-24 “ePass program”, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENT REGARDING TATTOO ESTABLISHMENTS

The Mayor opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. Director of Planning and Code Enforcement noted this change allows tattoo parlors in more zoning districts since they will now be viewed as “personal services”.

VOTE (11)

Motion by Councilor Butler, seconded by Councilor Cayer:

That the proposed amendments to Appendix A, Article II “Definitions”, Article XI “District Regulations”, and Article XII “Performance Standards”, of the City Zoning and Land Use Code, regarding tattoo establishments and zoning, receive final passage by a roll call vote.

Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM GRIMMEL'S INDUSTRIES, 50 RIVER ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

The Mayor opened the public 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 (12)

Motion by Councilor Butler, seconded by Councilor Libby:

To grant an Automobile Graveyard/Junkyard permit to Grimmel's Industries, 50 River Road, subject to the following conditions:

- 1) The hours of operation shall be limited to 7am to 5pm, Monday through Saturday
- 2) Maintain screening from the Maine Turnpike

Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM LEWISTON PUBLIC WORKS DEPARTMENT, 424-482 RIVER ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

The Mayor opened the public 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 (13)

Motion by Councilor Christ, seconded by Councilor Butler:

To grant an Automobile Graveyard/Junkyard permit to the Lewiston Public Works Department, 424-482 River Road. Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM GARY ST. LAURENT/MAINE HEAVY EQUIPMENT RENTAL, 1445 SABATTUS STREET, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

The Mayor opened the public 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 (14)

Motion by Councilor Cayer, seconded by Councilor Butler:

To grant an Automobile Graveyard/Junkyard permit to Gary St. Laurent/Maine Heavy Equipment Rental, 1445 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM DANA'S GARAGE, 193 CROWLEY ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

The Mayor opened the public 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 (15)

Motion by Councilor Butler, seconded by Councilor Cayer:

To grant an Automobile Graveyard/Junkyard permit to Dana's Garage, 193 Crowley Road, subject to the condition that no more than 1,000 tires may be stored on the property.

Passed - Vote 7-0

**PUBLIC HEARING ON AN APPLICATION FROM REENERGY LEWISTON, LLC,
FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

The Mayor opened the public 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 (16)

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 below 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 ON AN APPLICATION FOR A BUSINESS LICENSE RENEWAL FOR MERRIMACK RIVER MEDICAL SERVICES, INC. FOR AN OUTPATIENT ADDICTION TREATMENT CLINIC AT 18 MOLISSON WAY

The Mayor opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. It was noted that item three on the list of conditions can be removed because it is no longer applicable and item seven can be changed to annually. These changes have been incorporated into the conditions. The City Administrator noted key staff met on a semi-annual basis with the facility and there have been no police calls or any public complaints about this location.

VOTE (17)

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve the License for an Outpatient Addiction Treatment Clinic for Merrimack River Medical Services, Inc. to operate a Clinic at 18 Mollison Way, Lewiston, subject to the following conditions:

- 1) Provide adequate interior client waiting space to eliminate the need for clients to queue or wait for service outside of the building, with the exception of clients waiting for public transportation.
- 2) Effectively monitor the exterior of the property to ensure that clients do not loiter on or adjacent to the property for any purpose other than waiting for the arrival of public transportation.
- 3) Designate the exit from the clinic that leads to a lobby shared with other tenants within the building as an emergency exit only and provide an audible alarm that will sound if this exit door is opened.

- 4) Applicant will maintain a methadone maintenance program as described in their “Treatment Components” and “Program Components”. Applicant will immediately report to the police department any breaches of the security system described in the attachment.
- 5) Consistent with the applicant’s application, the number of clients shall not exceed 500 at any given time.
- 6) The applicant will annually provide documentation to the City Clerk of the receipt of all approvals required by any federal or state agency or department pursuant to federal or state law.
- 7) The applicant will comply with the requirements of Chapter 22, Article XIV, Section 22-417 of the Code requiring the applicant to conduct two meetings per calendar year with city staff and the chief of police or his designee.

Passed - Vote 7-0

AMENDMENT TO THE CITY POLICY FOR MISCELLANOUS FEES AND PENALTIES TO ESTABLISH THE PENALTIES FOR VIOLATION OF THE AGGRESSIVE PANHANDLING ORDINANCE

VOTE (18)

Motion by Councilor Butler, seconded by Councilor Cayer:

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 aggressive panhandling ordinance, said Policy to be effective October 17, 2013.

Passed - Vote 7-0

AMENDMENTS TO THE SOLID WASTE POLICY

VOTE (19)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the proposed amendments to the Solid Waste Policy as recommended by the Public Works Director and the Solid Waste Superintendent, said Policy to be effective October 17, 2013. Passed - Vote 7-0

REQUEST FROM THE DEMPSEY CHALLENGE ORGANIZERS FOR A WAIVER OF PARKING GARAGE FEES FOR THE CENTREVILLE PARKING GARAGE

VOTE (20)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the request from The Dempsey Challenge organizers to waive the parking fees in the Centreville Parking Garage on Friday, October 11 to allow their volunteers and patrons free use of the garage for their event. Passed - Vote 7-0

At this point, the Mayor took agenda item number 21 out of order and addressed it as this time.

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A JOINT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LEWISTON AND VOLUNTEERS OF AMERICA NORTHERN NEW ENGLAND

Julia Wilkoff of the Volunteers of America organization noted they have been in town for fifteen years and they are planning to build a low income housing structure with 29 units and 1 staff occupied apartment. She noted their screening process. Director of Economic and Community Development Lincoln Jeffers added background information for this item as well. The Mayor then opened the floor to receive citizen comments. Approximately 9 Lewiston and area residents spoke against this project, many noting they are landlords in the city and they simply cannot compete with units that are so heavily subsidized by tax dollars. They noted they work hard to keep their buildings in good condition but to have the 29 units on the market at the same time when they will be brand new with amenities and on site staff, it will be extremely hard for them to compete and puts them at a unfair advantage. One person spoke in favor of the program stating there is a lot of substandard housing in the downtown and many buildings have been condemned, so these units will be in a nice building that might encourage neighbors to care for their property better.

VOTE (21)

Motion by Councilor Butler, seconded by Councilor Libby:

To approve the Order authorizing the City Administrator to execute a Joint Development Agreement between the City of Lewiston and Volunteers of America Northern New England:

Whereas, a series of three major fires in downtown Lewiston in April/May 2013 resulted in the loss of over 77 housing units and the displacement of over 200 people; and

Whereas, this area of the city contains the oldest housing stock in the community, with the majority of it built prior to 1940, and having now lived past its useful life; and

Whereas, the City has aggressively stepped up code enforcement and demolition of blighted properties in this area; and

Whereas, VOLUNTEERS OF AMERICA NORTHERN NEW ENGLAND (VOA) has reached an agreement to purchase land upon which 29 housing units that had project based Section 8 Certificates were consumed by fire; and

Whereas, VOA wishes to build a \$6 million, 30 unit building in which 29 units of the units will be Section 8 supported affordable housing two to four bedroom units suitable for families; and

Whereas, VOA needs to apply for an allocation of Low Income Housing Tax Credits to assist in the financing for the project, the attainment of the tax credits is a competitive process, and VOA has requested the City's assistance in making the project financially viable and competitive for credits; and

Whereas, the City has agreed to provide a letter of support for the project; assistance in acquiring 116 and 122 Pierce Street and 139 and 155 Bartlett Street and conveying them to VOA had a significantly reduced cost; waiver of development review application and building permit fees; reduction of the parking code requirement to one space per unit; and the return of 50% of the new tax revenue generated by the project to VOA for a period of 15 years;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute the JOINT DEVELOPMENT AGREEMENT between THE CITY OF LEWISTON and VOLUNTEERS OF AMERICA NORTHERN NEW ENGLAND in a form substantially as is attached hereto.

Passed - Vote 4-3 (Councilors Saddlemire, Cayer, Butler and Libby in favor; Councilors Christ, Desjardins and Mayor Macdonald opposed)

ORDER AUTHORIZING THE ACCEPTANCE OF OPTIONS ON 116 AND 122 PIERCE STREET AND 139 AND 155 BARTLETT STREET, AND AUTHORIZING THE CITY ADMINISTRATOR TO TAKE ANY FUTURE ACTIONS NECESSARY TO ACQUIRE THE REAL ESTATE AS SPECIFIED IN THE OPTIONS AGREEMENT

VOTE (22)

Motion by Councilor Butler, seconded by Councilor Libby:

To approve the Order authorizing the acceptance of Options on 116 and 122 Pierce Street and 139 and 155 Bartlett Street; and authorizing the City Administrator to take any further actions necessary to acquire the real estate as specified in the Option Agreements:

Whereas, a series of three major fires in downtown Lewiston in April/May 2013 resulted in the loss of over 77 housing units and the displacement of over 200 people; and

Whereas, this area of the city contains the oldest housing stock in the community, with the majority of it built prior to 1940, and having now lived past its useful life; and

Whereas, the City has aggressively stepped up code enforcement and demolition of blighted properties in this area; and

Whereas, VOLUNTEERS OF AMERICA NORTHERN NEW ENGLAND (VOA) has reached an agreement to purchase land upon which 29 housing units that had project based Section 8 Certificates were consumed by fire; and

Whereas, VOA wishes to build a \$6 million, 30 unit building in which 29 units of the units will be Section 8 supported affordable housing two to four bedroom units suitable for families; and

Whereas, VOA needs to apply for an allocation of Low Income Housing Tax Credits to assist in the financing for the project, the attainment of the tax credits is a competitive process, and VOA has requested the City's assistance in making the project financially viable and competitive for credits; and

Whereas, the City will agree as part of a Joint Development Agreement to be entered into with VOA to assist in the acquisition of these properties and to convey them to VOA for \$1

Now, therefore, be It Ordered by the City Council of the City of Lewiston that Options on 116 Pierce Street, 122 Pierce Street, 139 Bartlett Street, and 155 Bartlett Street be accepted in forms substantially as are attached; and that the City Administrator be authorized to take any further actions necessary to acquire the real estate under the terms outlined in the Option Agreements.

Passed - Vote 4-3 (Councilors Saddlemire, Cayer, Butler and Libby in favor; Councilors Christ, Desjardins and Mayor Macdonald opposed)

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE MOWERS USING REMAINING FY2013 VEHICLE REPLACEMENT FUNDS

VOTE (23)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the Order authorizing the City Administrator to purchase mowers using remaining FY2013 Vehicle Replacement Funds:

Whereas, the Public Works Department’s Municipal Garage Vehicle/Equipment Replacement Program account for FY2013 includes \$19,685 in currently available funds; and

Whereas, one out of five riding mowers was recently taken out of service; and

Whereas, two other mowers incurring regular break downs causing significant down time for regular replacement of parts due to significant mower operation hours (5,000+hours)

Whereas, other smaller items on the FY2013 vehicle replacement program while beneficial are not necessary for green space maintenance; and

Whereas mower replacements were not identified in the FY2013 or FY2014 Vehicle/Equipment Replacement Program

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to use FY2013 Vehicle/Equipment Replacement account funds for the purchase of two riding lawn mowers.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO USE SEWER FUNDING TO FUND THE REPLACEMENT OF A SEWER TANDEM AXLE DUMP TRUCK

VOTE (24)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the Order authorizing the City Administrator to use Sewer Funding to fund the

replacement of a sewer tandem axle dump truck:

Whereas, the Lewiston Sewer Division FY 2014 Capital budget includes \$94,000 in currently approved funds; and

Whereas, three (3) vendors bid on Bid #2013-042 Tandem Axle Truck Chassis & Cab with Remounted Dump Body with the low bid meeting specifications submitted by Freightliner of Maine in the amount of \$133,800 ; and

Whereas, to purchase the replacement dump truck as bid requires an additional \$39,800 for a total cost of \$133,800; and

Whereas, bidders have agreed to hold prices to seek additional funding; and

Whereas, FY 2013 Sewer Operations ended more than \$400,000 ahead of cash projections; and

Whereas, the estimates from vendors to establish the budget in 2012 did not include all costs that were involved in the bid; and

Whereas, we are re-conditioning the existing dump body to save approximately \$10,000 on the price of the replacement truck; and

Whereas, the City's Finance Committee will consider the award of the bid to Freightliner of Maine at their next meeting

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to use \$39,800 from the Sewer Fund to supplement programmed funds for the replacement of the Sewer tandem axle dump truck.

Passed – Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (25)

Motion by Councilor Butler, seconded by Councilor Libby:

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 7-0

CITY COUNCIL

SEPTEMBER 17, 2013

Session began at 9:30pm and ended at 10:12pm.

VOTE (26)

Motion by Councilor Butler, second by Councilor Cayer:

To adjourn at 10:13P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine