

CITY OF LEWISTON

CITY COUNCIL

JUNE 3, 2014

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

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Dubois, D'Auteuil, Libby, Christ, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (184-2014)

Motion by Councilor Dubois, seconded by Councilor Libby:

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

Executive Session began at 6:20pm and ended at 6:45pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Dubois, D'Auteuil, Libby, Christ, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

**PRESENTATION OF SCHOLARSHIP AWARD FROM THE LEWISTON
FIREFIGHTERS ASSOCIATION**

Mathew Wiers of the Lewiston Fire Department Association presented a \$750 scholarship to Lewiston High School senior Hana Elabe in recognition of her community service work. She plans to attend college to study psychology.

PUBLIC COMMENT PERIOD

Robinson Eastman expressed concerns regarding housing conditions in the downtown area noting he has lived without heat and hot water and has had to deal with rodents and pests. He also expressed concerns regarding a lack of funding to obtain a key for his post office mail box. Habiba Mohamed thanked the Council for their support of the St. Laurent housing project. Three residents spoke in support of recently laid off City Recreation Director Maggie Chisholm. William Steinburgh of 20 Shawmut St noted he appreciates the new bike lanes.

ADOPTION OF MEETING SCHEDULE FOR THE MONTHS OF JULY AND AUGUST

VOTE (185-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

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 15th at 7:00pm and to hold only one regular meeting during the month of August, said meeting to be held on Tuesday, August 12th at 7:00pm. Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 23 LINCOLN DRIVE

VOTE (186-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 23 Lincoln Drive:

Whereas, Roger Henry Poulin, Jr., the owner of the property at 23 Lincoln Drive (Tax Map 209, Lot 027, Parcel 00-008398) failed to pay his tax bill on a timely basis; and

Whereas, a tax lien in the amount of \$254.35 was filed on June 13, 2012 (Book 8418 Page 14) and matured on December 13, 2013; and

Whereas, payment was received in full on April 29, 2014;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that a quitclaim for 23 Lincoln Drive is hereby authorized to release the City's interest in the property back to the owner.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE VARIOUS DOCUMENTS TO CLARIFY THE PROPERTY LINES AND TO PROVIDE FOR EASEMENTS ALLOWING EXTERIOR MAINTENANCE AND REPAIR AND OUTSIDE DINING FOR THE PROPERTY LOCATED AT 64 LISBON STREET

VOTE (187-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To adopt the Order authorizing the City Administrator to execute various documents to clarify the property lines and to provide for easements allowing exterior maintenance and repair and outside dining for the property located at 64 Lisbon Street:

Whereas, the property at 64 Lisbon Street is currently occupied by Argo Marketing and is owned by 64 Lisbon Street, LLC; and

Whereas, part of that process for securing permanent financing for the improvements to the property required the owner to complete a title and boundary survey which identified a number of

title and property boundary discrepancies which need to be addressed to secure financing; and

Whereas, the owner has also requested easements across Dufresne Plaza for purpose of building access, exterior maintenance and repair, and to provide outdoor dining;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute the necessary boundary and easement deeds between the City of Lewiston and 64 Lisbon Street, LLC.

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

VOTE (188-2014)

Motion by Councilor Cayer, seconded by Councilor Lachance:

To conduct a public hearing on an application from Museum L/A for the outdoor concerts to be held at Simard-Payne Memorial Park, Kennedy Park, Dufresne Plaza and Sunnyside Park on Sunday June 29, 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 AND KENNEDY PARK

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

VOTE (189-2014)

Motion by Councilor Lachance, seconded by Councilor Christ:

To conduct a public hearing on an application from L/A Arts for the evening outdoor concerts to be held at Dufresne Plaza and Kennedy Park on May 30, June 27, July 25, August 29, September 26, October 31, 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 AND FINAL PASSAGE FOR AN AMENDMENT TO THE
CONDITIONAL REZONING AGREEMENT FOR 33 ROGER STREET**

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

VOTE (190-2014)

Motion by Councilor Christ, seconded by Councilor Cloutier:

To approve final passage for the amendment to the conditional rezoning agreement for the property at 33 Roger Street, to conditionally rezone the property, subject to the conditions defined in the rezoning agreement. Passed – Vote 7-0

**PUBLIC HEARING AND ADOPTION OF THE FY2015 LEWISTON CAPITAL
IMPROVEMENT PROGRAM BOND ISSUE ORDER**

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

VOTE (191-2014)

Motion by Councilor Cayer, seconded by Councilor Christ:

To adopt the FY2015 Lewiston Capital Improvement Program Bond Issue Order authorizing the issuance of \$8,962,650 in Public Improvement Bonds and making an appropriation for certain capital projects:

Ordered, that \$8,962,650 be appropriated for financing the following projects in the Lewiston Capital Improvement Program:

Project	Amount
City:	
Riverfront Island Master Plan Imp.	250,000
Engine 4 Replacement	575,000
Retrofit Downtown Street Lights	240,000
Road Resurfacing	877,000
Road Rehab	575,000
Bartlett St Rehab (MDOT Local Share)	150,000
Signal Upgrades (MDOT Local Share)	50,000
Total General Fund Projects	2,717,000
School:	
New School Project	200,000
LHS Ventilation	177,000
Financial Software Conversion	150,000
Montello School Restrooms & Flooring	238,000
Total School Projects	765,000
Water Fund:	
LA Treatment Program	1,230,000

Distribution Main Replacement	1,768,650
Water Storage - Pig & Scour Ferry Rd.	90,000
Total Water Projects	3,088,650
Sewer Fund:	
Sanitary Sewer Main Rehabilitation	1,000,000
Interceptor Inspection & Rehabilitation	200,000
CSO Separation	150,000
Pump Station Upgrades	292,000
Total Sewer Projects	1,642,000
Stormwater Fund:	
Hart Brook Water Quality Restoration	500,000
CSO Separation	150,000
North Temple Storm Drain Repair	100,000
Total Stormwater Projects	750,000
 Total 2015 LCIP Requests	 8,962,650

Be It Further Ordered, that to meet this appropriation, \$8,962,650 shall be raised by Public Improvement Bond Issue(s);

Be It Further Ordered, that the City Council instruct the Finance Director to advertise for bids for \$8,962,650 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;

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

Be It 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;

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

Be It 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

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
111 PINE STREET**

Gil Arsenault, Director of Planning and Code Enforcement, and Tom Maynard, Code Enforcement Officer, provided their professional background credentials regarding their working knowledge of building codes and building safety. Mr. Arsenault and Mr. Maynard then reviewed the City’s efforts to communicate with the building owners and to work with them to

resolve the numerous outstanding safety violations. They then outlined the condition of the building noting it is unsafe for habitation and is a danger to the neighborhood. They also showed photographs documenting the code violations and safety concerns. No members of the Council personally know the property owner and therefore do not have a conflict of interest for this hearing.

VOTE (192-2014)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

With regard to the property at 111 Pine 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

**ORDER OF CONDEMNATION FOR EMINENT DOMAIN PROCEEDINGS OF
BEECH STREET**

VOTE (193-2014)

Motion by Councilor Cloutier, seconded by Councilor Cayer:

To postpone action on this item to the June 7 Council meeting. Passed - Vote 7-0

**RESOLVE INDICATING SUPPORT FOR THE LEWISTON POLICE DEPARTMENT'S
STANDARD OPERATING PROCEDURE IN RESPONSE TO "DISORDERLY"
PROPERTIES**

VOTE (194-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To adopt the Resolve indicating support for the Lewiston Police Department's Standard Operating Procedure in response to "Disorderly" Properties:

Whereas, for some time now, the City has been evaluating steps that can be taken to improve the health, safety, and welfare of individuals residing in multi-family properties, especially those within the City's downtown neighborhoods; and

Whereas, as a result, a number of actions have been taken including stepped up code enforcement, aggressive action against abandoned and dilapidated properties, and revised loan programs to assist property owners in making improvements; and

Whereas, as a part of these efforts, the City investigated and proposed establishing a Disorderly Property Ordinance that would provide the Police Department with an additional tool to work with property owners to address the recurrence of disorderly conduct in or associated with specific buildings that disturb the peace and tranquility of others; and

Whereas, in discussions with representatives of area landlords, it became apparent that some property owners were concerned that such an ordinance and the penalties associated with it could be used to punish landlords rather than to work together with them to resolve problems; and

Whereas, as a result, the Police Department and City Administration suggested that a voluntary disorderly property program be implemented without fines and penalties, a suggestion that was supported by landlord representatives'; and

Whereas, the Lewiston Police Department has now drafted a standard operating procedure outlining its response to disorderly properties;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the City Council supports the Lewiston Police Department's Standard Operating Procedure on Response to "Disorderly" Properties as attached hereto and recognizes that its implementation will assist in improving the quality of life of residents, particularly those who live in our densest residential neighborhoods.

Passed - Vote 7-0

RESOLVE EXTENDING THE TERM OF THE KENNEDY PARK BANDSTAND RESTORATION COMMITTEE, REDUCING THE REQUIRED FUNDING RATIO, AND PROVIDING SPECIFIC CITY SERVICES

VOTE (195-2014)

Motion by Councilor Cayer, seconded by Councilor Libby:

To approve the Resolve extending the term of the Kennedy Park Bandstand Restoration Committee, reducing the required funding ratio and providing specific City services:

Whereas, on November 1, 2011, the City Council established the Kennedy Park Bandstand Restoration Committee and authorized it to undertake fundraising efforts for the restoration of the Kennedy Park Bandstand; and

Whereas, the Council has designated up to \$75,000 in Community Development Block Grant (CDBG) funds to be used to match donations received by the City for the restoration of which \$4,000 has been authorized and spent to undertake design activities and cost estimates; and

Whereas, the initial term of the Committee expired on July 31, 2012 and was subsequently extended to June 30, 2013, then again to June 30, 2014; and

Whereas, the Committee has reduced the project budget and scope in order to address fundraising challenges; and

Whereas, there are certain City services that can be provided and City fees waived in order to assist the Committee in bringing the project to fruition; and

Whereas, the current fundraising match requirement is \$1 of City CDBG funds for every \$2 raised in cash or documented in-kind donations from private individuals and organization;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the term of the Kennedy Park Bandstand Committee is hereby extended to December 31, 2014; the City shall provide the Committee the utilization of the City's tipping fee credit for demolition debris disposal; the City shall waive the building construction fees related to the restoration of the Bandstand; and shall reduce the fundraising match requirement ratio to \$1 of City CDBG funds for every \$1 of cash or documented in-kind contributions from private parties up to a maximum of \$75,000 of City CDBG funds.

Passed - Vote 7-0

**RESOLVE APPOINTING RUNYON KERSTEEN OUELLETTE AS THE CITY'S
INDEPENDENT EXTERNAL AUDITORS**

Finance Committee members Michael Marcotte and Robert Reed expressed concerns with the recommendation of the auditing firm noting possible conflict of interest regarding an employee at the School Department as well as the cost of the service. Councilors discussed the option of issuing the contract for one year as opposed to the recommended three years.

VOTE (196-2014)

Motion by Councilor Libby, seconded by Councilor Dubois:

To issue the contract for auditing services to Runyon, Kersteen and Ouellette for a one year period rather than a three year period. Passed - Vote 6-1 (Councilor D'Auteuil opposed)

VOTE (197-2014)

Motion by Councilor Christ, seconded by Councilor Libby:

To approve the Resolve appointing Runyon Kersteen Ouellette as the City's Independent External Auditors:

Whereas, the City Charter, Section 6.12, requires a certified public accountant to conduct an annual audit of the City's financial records at year end; and

Whereas, a request for proposals was issued seeking qualified parties to perform these services for the year ending June 30, 2014; and

Whereas, a Subcommittee was established to evaluate each response and conduct interviews with the qualifying firms; and

Whereas, the Subcommittee recommended that the Finance Committee award the contract to the firm of Runyon Kersteen Ouellette; and

Whereas, the Finance Committee has recommended that the contract be awarded to the certified public accounting firm, Runyon Kersteen Ouellette in the amount of \$80,000, subject to the approval of the City Council;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that Runyon Kersteen Ouellette is hereby appointed as the City's independent auditor for the fiscal year ending June 30,

2014 at a total cost of \$80,000.

Passed - Vote 6-1 (Councilor D' Auteuil opposed)

REPORTS AND UPDATES

The City Clerk offering information regarding the June primary election such as the consolidation of polling places, absentee voting and voter registration.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (198-2014)

Motion by Councilor Dubois, 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

Executive Session began at 8:50pm and ended at 9:15pm.

VOTE (199-2014)

Motion by Councilor Dubois, seconded by Councilor Christ:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.
Passed - Vote 7-0

Executive Session began at 9:15pm and ended at 9:37pm.

VOTE (200-2014)

Motion by Councilor Dubois, seconded by Councilor Christ:

To adjourn at 9:37P.M. Passed - Vote 7-0

A true record, Attest:

Kelly J. Brooks, CMC
Deputy City Clerk
Lewiston, Maine