

CITY OF LEWISTON

CITY COUNCIL

JULY 15, 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, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.
Absent/Excused: Councilor Cloutier

EXECUTIVE SESSIONS

VOTE (212-2014)

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 5:30pm and ended at 5:44pm.

VOTE (213-2014)

Motion by Councilor Libby, seconded by Councilor Dubois:

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 5:45pm and ended at 5:49pm.

VOTE (214-2014)

Motion by Councilor Libby, seconded by Councilor Lachance:

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 5:50pm and ended at 6:10pm.

VOTE (215-2014)

Motion by Councilor Christ, seconded by Councilor Lachance:

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

Executive Session began at 6:11pm and ended at 6:50pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

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

Absent/Excused: Councilor Cloutier

Pledge of Allegiance to the Flag.

Moment of Silence.

PRESENTATION OF THE ALFRED A. PLOURDE MEMORIAL SCHOLARSHIP

The scholarship was presented by City Council President Cayer to Lewiston High School senior Brianna Wilson, who plans to attend Bates College. Mrs. Plourde spoke of the important of hard work and community service and encouraged Brianna to stay involved with the Lewiston community while a student at Bates.

APPOINTMENT OF MEMBERS TO THE LEWISTON YOUTH ADVISORY COUNCIL FOR 2014-2015 YEAR

The incoming members of the LYAC were announced and those present received certificates of appointment: Nairus Abdullahi, Eric Hall, Marguerette Seguin, Kalgaal Issa, Aida Vassell, Deni Federico, Zahida Sheikh, Amanda Alberda, Courtney Caouette, Zhafiya Dualeh, and Jazlyn Dumas.

PRESENTATION OF SPIRIT OF AMERICA AWARD

Androscoggin County Commissioner Elaine Makas presented a Spirit of America award to the City of Lewiston for volunteerism. The Mayor accepted the award on behalf of the City.

PUBLIC COMMENT PERIOD

Edward Berube presented a petition signed by 150 people requesting services in Kennedy Park such as a drinking fountain, picnic tables and restrooms. Robinson Eastman of 73 Howard Street thanked the Mayor and Councilors for their support regarding the issue of his mail delivery and noted the positive growth in Lewiston. Charles Soule of 135 Bartlett Street said he appreciates the ATF, Police and Sheriff’s Departments for cleaning up the drugs in the downtown area. Don Arel spoke about his land and letting friends use the property for ATV riding, camping, etc. He commented the city has issued him a citation for operating an unlicensed business at this property. He will meet with the Mayor later in the week to review. Mr. Berry of 93 Pierce Street said he has three kids and cannot find anything to do with his kids in the downtown that is safe. He said he works full time and has no money and cannot find a safe place for them to play.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (216-2014)

Motion by Councilor Cayer, 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

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

VOTE (217-2014)

Motion by Councilor Cayer, 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 Recreation Services Division 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 it's thirty-fifth season of performing arts this year; and

Whereas, for four 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 the City Administrator is authorized to accept the donations and promotion from the following local businesses and organizations that will allow the Wednesdays In The Park Program to operate.

2014 WEDNESDAYS IN THE PARK SPONSORS

ACA Dr. Paul Fortier Chapter 52 \$175

Franco American War Veterans Inc. Post 31 \$50

Great Falls Security Systems \$50

Lewiston Youth Activity Fund Inc. \$500

Lewiston Housing Authority \$25

Liberty Mutual \$1,000

Mechanics Savings Bank \$250

Past Time Club \$200

Total \$2250

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

Passed - Vote 7-0

PUBLIC HEARING FOR SHE DOESN'T LIKE GUTHRIES, 115 MIDDLE STREET

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

VOTE (218-2014)

Motion by Councilor Christ, seconded by Councilor Libby:

To grant a Special Amusement permit for live entertainment to She Doesn't Like Guthries, 115 Middle Street. Passed - Vote 7-0

PUBLIC HEARING FOR IRISH TWINS PUB, 743 MAIN STREET

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

VOTE (219-2014)

Motion by Councilor Lachance, seconded by Councilor Christ:

To grant a Special Amusement permit for live entertainment to Irish Twins Pub, 743 Main Street. Passed - Vote 7-0

PUBLIC HEARING FOR ACME SOCIAL CLUB, INC., 255 PARK STREET

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

VOTE (220-2014)

Motion by Councilor Libby, seconded by Councilor Cayer:

To grant a Special Amusement permit for live entertainment to The Acme Social Club, Inc., 255 Park Street. Passed - Vote 7-0

**PUBLIC HEARING FOR AN OUTDOOR ENTERTAINMENT PERMIT FOR
GREAT FALLS BALLOON FESTIVAL**

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

VOTE (221-2014)

Motion by Councilor Christ, seconded by Councilor Libby:

To conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, 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 the Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Simard-Payne Memorial Park on August 15-17, 2014, 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

**AMENDMENTS TO THE GENERAL ASSISTANCE POLICY REGARDING OVERALL
MAXIMUM LEVELS OF ASSISTANCE**

VOTE (222-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

That the overall maximum amounts allowed for general assistance expenses in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended and adopted in accordance with state and federal regulations, and to further amend the General Assistance Policy by deleting the references to “additional crematory fees”. Passed - Vote 7-0

**AMENDMENT TO THE CITY POLICY MANUAL FOR THE CITY PARK
USE POLICY**

VOTE (223-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To adopt the proposed amendments to the Park Use Policy, City Policy Manual, Policy Number 77 regarding a prohibition on smoking in The Mark W. Paradis Park. Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT EASEMENTS
FROM BROOKFIELD WHITE PINE HYDRO LLC, MUSEUM LA, AND M & B
REALTY COMPANY FOR THE PURPOSE OF ESTABLISHING
A PUBLIC WAY – BEECH STREET**

VOTE (224-2014)

Motion by Councilor Lachance, seconded by Councilor Christ:

To approve the Order authorizing the City Administrator to accept easements from the Brookfield White Pine Hydro LLC, Museum LA, and M & B Realty Company for the purpose of establishing a public way – Beech Street:

Whereas, the Riverfront Island Master Plan and, more specifically, the concept plan for improvements to Simard Payne Park, identify the Beech Street extension from Oxford Street toward the river as a major point of vehicle access to the Park and adjacent properties; and

Whereas, while it appears that the City may have been asked or had considered establishing this

section of Beech Street as a public way many years ago, it is not clear whether this was actually accomplished; and

Whereas, this section of Beech Street has been used by the public and adjacent property owners for many years to access the park, the pedestrian bridge across the Androscoggin, and other adjacent properties; and

Whereas, ownership of this “street” is not totally clear and appears to be shared by a variety of property owners, all of whom have a presumptive right of access to their properties via this “street;” and

Whereas, in order to continue to implement the City’s park and master plans, it is necessary for the City to establish a public way; and

Whereas, to this end, three of the owners, Brookfield, Museum LA, and M&B Realty, have agreed to grant the City the necessary easements for a public way; and

Whereas, accepting these easements will be a step forward toward providing public access to the park, allowing the city to eventually undertake bridge and street improvements, and assisting all property owners in becoming compliant with the City’s land development code;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized, on behalf of the City of Lewiston, to Accept Easements from Brookfield White Pine Hydro LLC, Museum LA, and M&B Realty Company for the Purpose of Establishing a Public Way along the so called Beech Street Extension running from Oxford Street toward the Androscoggin River, such easements to be substantially in the form as attached hereto, and to execute any documents necessary for accepting such easements.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE DONATION OF PROPERTY FROM THE FRANKLIN PROPERTY TRUST – BEECH STREET

VOTE (225-2014)

Motion by Councilor Cayer, seconded by Councilor Lachance:

To approve the Order authorizing the City Administrator to accept the donation of property from the Franklin Property Trust – Beech Street:

Whereas, the Riverfront Island Master Plan and, more specifically, the concept plan for improvements to Simard Payne Park, identify the Beech Street extension from Oxford Street toward the river as a major point of vehicle access to the Park and adjacent properties; and

Whereas, in order to continue to implement the City’s park and master plans, it is necessary for the City to establish a public way; and

Whereas, to this end, Franklin Property Trust, LLC has agreed to donate its interests in the public way to the City without conditions; and

Whereas, accepting this unconditional gift will be a step forward toward providing public access to the park, allowing the City to eventually undertake bridge and street improvements, and assisting all property owners in becoming compliant with the City's land development code;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City, pursuant to 30-A M.R.S. § 5655, hereby accepts the unconditional gift of Franklin Property Trust, LLC's interest in the so-called Beech Street Extension.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES GOVERNMENT REGARDING H.O.M.E. FUNDS

VOTE (226-2014)

Motion by Councilor Libby, seconded by Councilor Dubois:

To postpone this item to the August 12, 2014 City Council meeting. Passed - Vote 7-0

RESOLVE SUPPORTING ADDING ADDITIONAL MEMBERS TO THE LEWISTON-AUBURN BIKE-PED COMMITTEE

VOTE (227-2014)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the Resolve supporting adding additional members to the Lewiston-Auburn Bike-Ped Committee:

Whereas, Lewiston and Auburn jointly created a Bike-Ped Committee in 2012; and

Whereas, this Committee has been very active and, among other things, has developed a complete streets policy for the cities that was subsequently adopted and has been nationally recognized; and

Whereas, the Committee is actively involved in a variety of projects including the Lewiston Lower Rail Trail, the Safe Routes to School Program, and participating in the review of various transportation projects; and

Whereas, sufficient interest exists in the Committee that it is recommending that its current voting membership be expanded by adding additional residents as well as a representative of an organization with a primary interest in the area of health and wellness;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that subject to the concurrence of the City Council of the City of Auburn, we approve expanding the voting

membership of the Lewiston-Auburn Bike Ped Committee through adding one more resident of the City of Auburn, to be appointed by the Mayor of Auburn, one more resident of the City of Lewiston, to be appointed by the Mayor of Lewiston, and a representative of an organization with a primary interest in areas such as health and wellness, to be appointed by the Chair of the Committee.

Passed - Vote 7-0

RECEIPT OF CITY CLERK’S REPORT REGARDING VALID SIGNATURES FOR THE CITIZEN INITIATIVE PETITION REGARDING THE REPEAL OF THE ST. LAURENT HOUSING ASSOCIATES JOINT DEVELOPMENT AGREEMENT

VOTE (228-2014)

Motion by Councilor Cayer, seconded by Councilor Christ:

To accept the City Clerk’s report regarding verified petition signatures for the petition to Repeal the St. Laurent Housing Associates Joint Development Agreement. Passed - Vote 7-0

REPORTS AND UPDATES

Status of DHHS Guidance on Assistance to Undocumented Immigrants – The City Administrator provided background information on the lawsuit that was filed by the Cities of Portland and Westbrook and the Maine Municipal Association against the State for clarification regarding the municipal reimbursement for GA expenses to undocumented immigrants. This could possibly take several months to be resolved. The Mayor then opened the floor for public comment and seven people addressed the Council all in support of continued financial assistance for undocumented immigrants, noting they are refugees from various countries and they are in transit. Many provided extremely personal stories of their situations in their home countries and why they fled.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSIONS

VOTE (229-2014)

Motion by Councilor Dubois, seconded by Councilor Lachance:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue 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 9:10pm and ended at 9:34pm.

VOTE (230-2014)

Motion by Councilor Libby, seconded by Councilor D’Auteuil:

CITY COUNCIL

JULY 15, 2014

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 9:35pm and ended at 10:06pm.

VOTE (231-2014)

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

To adjourn at 10:07P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine