

# CITY OF LEWISTON

CITY COUNCIL

OCTOBER 7, 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, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo. Note – The Ward Four City Council seat is presently vacant due to the resignation of Councilor Christ which was effective September 30, 2014.

### EXECUTIVE SESSION

#### VOTE (294-2014)

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 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 6:03pm and ended at 6:48pm.

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.

### UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

The new officers were named and it was noted the group's current project is to enhance the image of Lewiston.

### RECOGNITION OF FIRE AND POLICE DEPARTMENTS

The Mayor presented letters of commendation to the Fire Chief and Police Chief for the recent work of their departments. The Fire Department recently dealt with a massive structure fire at 101 Birch Street. The Police Department handled a fatal automobile accident which was a deliberate domestic violent assault. The Mayor and Council commended the Departments for their professional handling of both incidents.

### PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

**APPROVAL OF ELECTION WARRANT CALLING FOR THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014 FOR THE ELECTION OF A WARD FOUR CITY COUNCILOR AND A CITYWIDE MUNICIPAL REFERENDUM ELECTION AND RECOMMENDATIONS FROM THE CITY CLERK/REGISTRAR OF VOTERS ON ACTIONS NECESSARY TO CONDUCT THE STATE CANDIDATE AND REFERENDUM ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014**

**VOTE (295-2014)**

Motion by Councilor Cayer, seconded by Councilor Libby:

Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, November 4, 2014 for the purposes of electing a Ward Four City Councilor and holding a citywide referendum election; and

To approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Candidate & Referendum Election and the State Candidate & Referendum Election to be held on Tuesday, November 4, 2014:

A. That the hours for acceptance of registrations in person only, prior to the November 4th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, Oct 15 through Nov 3, 2014, and additional hours until 7pm on October 30.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 7:00am, 2:00pm, 6:00pm, and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (296-2014)**

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 \$1,014.00, or any portion thereof, in the case of the State of Maine vs. Christopher Palmer, CR-14-815 Court Records, being funds forfeited pursuant to the 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

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR PEDRO O'HARA'S, 134 MAIN STREET**

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

**VOTE (297-2014)**

Motion by Councilor Libby, seconded by Councilor Lachance:

To grant a Special Amusement permit for live entertainment to Pedro O'Hara's, 134 Main Street.  
Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SCHEMENGEES BAR & GRILL, 551 LINCOLN STREET**

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

**VOTE (298-2014)**

Motion by Councilor Lachance, seconded by Councilor Libby:

To grant a Special Amusement permit for live entertainment to Schemengees Bar & Grille, 551 Lincoln Street. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR FAST BREAKS, 1465 LISBON STREET**

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

**VOTE (299-2014)**

Motion by Councilor Libby, seconded by Councilor Cayer:

To grant a Special Amusement permit for live entertainment to Fast Breaks, 1465 Lisbon Street.  
Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL OF A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR BAXTER BREWING CO., 130 MILL STREET**

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

**VOTE (300-2014)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

To grant a Special Amusement permit for live entertainment to Baxter Brewing Co., 130 Mill Street. Passed – Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT  
68 RIVER 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. Donald Trembley of 33 Ridge Road in Monmouth stated he holds the mortgage on 68 River St and he sold the property to his son, Chad Trembley of 267 ½ Lincoln Street. He said they were not aware the building was located on their land because an abutter was using the building to store items that he owned.

**VOTE (301-2014)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

With regard to the property at 68 River 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

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT  
264-266 LINCOLN 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. No one representing the property owner was present for the hearing.

**VOTE (302-2014)**

Motion by Councilor Libby, seconded by Councilor Cayer:

With regard to the property at 264-266 Lincoln 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 AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO TRANSFER A PORTION OF THE UNBUILT RESERVOIR STREET TO RICHARD WARD, OWNER OF THE ABUTTING PROPERTY AT 196 PLEASANT STREET**

**VOTE (303-2014)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to execute the necessary documents to transfer a portion of the unbuilt Reservoir Street to Richard Ward, owner of the abutting property at 196 Pleasant Street:

Whereas, the City of Lewiston's Joint Standing Committee on Highways, Streets, Bridges and Sidewalk established a Reservoir Street on November 12, 1879, noting: "Said Street passes over land reserved as a Rangeway or Public Road"; and

Whereas, the land of the so-called Reservoir Street is unimproved raw land and the street was never constructed; and

Whereas, City staff foresees no future need to develop a street along this so-called Reservoir Street; and

Whereas, the City has received a request from Richard Ward to release any interest it may have in the portion of Reservoir Street adjacent to property he owns at 196 Pleasant Street; and

Whereas, the City Council approved a similar request from a Pauline Kolbe of 49 Hillcrest Avenue at its meeting of March 26, 2013; and

Whereas, the City Attorney has reviewed documents and titles relating to Reservoir Street and has concluded that the City's interest in the property is limited to an easement and is not in fee ownership; and

Whereas, Mr. Ward's attorney has prepared all supporting documents to transfer any interest the City has in the half of the width of the so-called Reservoir Street that abuts the side of his property at 196 Pleasant Street; and

Whereas, the interest the City has in the property can be transferred to Mr. Ward at no cost to the City;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to sign and execute any documents necessary to effect the transfer of any and all interest the City has in one-half of the portion of the unbuilt Reservoir Street immediately abutting the side of 196 Pleasant St.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE DOCUMENTS NECESSARY TO EXCHANGE THE CITY'S OWNERSHIP IN 60 CANAL STREET FOR OWNERSHIP OF 159-177 LISBON STREET**

Lincoln Jeffers, the Economic Development Director, presented this item. He noted the Planning Board is opposed to this item because they were concerned the proponent did not make an offer on the Canal St property directly, believed that the private sector should be responsible for developing Lisbon St properties and did not like the uncertainty of how the properties may be developed. City staff is in support of this land swap because of the visibility of the Lisbon St property and the development potential. Councilor Lachance expressed concerns that Mr. Pitman bought the property with the intention of swapping it with the City. He said he does not feel the City is in a position to develop this property at this time and also expressed concerns with the loss of city revenue from the Oxford Street parking fees. Councilor Lachance said the City is not in a position to market this property now and he felt in five to ten years the City would be, noting the timing is not right for this project. He also expressed support for private sector development and noted like the Planning Board, he also questions the deal itself. Councilor Dubois said she supports the project in part because the city can control the current look of the property, which has not been maintained since the fire about ten years ago.

**VOTE (304-2014)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to execute the documents necessary to exchange the City's ownership in 60 Canal Street for ownership of 159-177 Lisbon Street:

Whereas, the City purchased 60 Canal Street in 2000, demolished a building located on the property, and redeveloped the site for use as a 27 car parking lot that was put into service in 2006; and

Whereas, the City has received \$127,660 in parking revenues from the site between 2006 and June 2014; and

Whereas, the City has recouped its investment in land acquisition, demolition, and site redevelopment costs; and

Whereas, the City is projected to generate \$17,200 in parking revenue from the site in FY 2015; and

Whereas, the owner of 159-177 Lisbon Street has proposed exchanging that real estate for 60 Canal Street; and

Whereas, the owner of 159 - 177 Lisbon Street has agreed to allow the City to continue to control and generate the revenue received from those who currently lease spaces in the Canal Street lot from the date of its transfer for a period of up to five years, after which control of those spaces will transfer to the new owner; and

Whereas, the entity controlling 14 or more of the 27 parking spaces at 60 Canal Street will be responsible for plowing and maintenance; and

Whereas, City ownership of the Lisbon Street property can assist in the redevelopment of this key vacant parcel on Lisbon Street and allow the City to exercise greater control over the redevelopment and the uses to which this property may be put;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute deeds and other transfer documents necessary to exchange ownership of 60 Canal Street for City ownership of 159–177 Lisbon Street.

Be it Further Ordered that a Memorandum of Understanding be executed detailing the control of parking spaces and maintenance of the same substantially in compliance with the agreement outlined above.

Passed - Vote 6-1 (Councilor Lachance opposed)

**REPORTS AND UPDATES**

The City Clerk reminded residents about some election related items – absentee ballots, the early voting polling place, ward redistricting, sample ballots and polling hours on election day.

**OTHER BUSINESS**

Councilor D’Auteuil asked that every owner listed on buildings for condemnation be notified of the hearings.

**EXECUTIVE SESSION**

**VOTE (305-2014)**

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 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 8:16pm and ended at 8:48pm.

**VOTE (306-2014)**

Motion by Councilor Dubois, seconded by Councilor Libby:

To adjourn at 8:49P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine