

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 2, 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 (247-2014)

Motion by Councilor Dubois, seconded by Councilor Christ:

To enter into an executive session pursuant to MRSA Title 1, section 405 (6) (A) to discuss a personnel matter. Passed - Vote 7-0

Executive Session began at 6:00pm and ended at 6:18pm.

VOTE (248-2014)

Motion by Councilor Dubois, seconded by Councilor Christ:

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 6:18pm 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.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR
REAL ESTATE LOCATED AT 724 MAIN STREET**

VOTE (249-2014)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 724 Main Street:

Whereas, the owner, Maine Urban Properties Inc., failed to pay its utility bill on a timely basis for 724 Main Street (Tax Map 169, Lot 2, Parcel 00-007487); and

Whereas, a water lien was filed on June 25, 2009 (Book 7728 Page 281) and matured on December 25, 2010 in the amount of \$146.49; and

Whereas, a sewer lien was filed on June 25, 2009 (Book 7729 Page 37) and matured on December 25, 2010 in the amount of \$190.38; and

Whereas, payment was received in full on April 24, 2014;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the issuance of a quitclaim deed for 724 Main Street is hereby authorized to release the City's interest in the property back to the owner.

Passed - Vote 7-0

**REQUEST FROM THE KORA SHRINE FOR USE OF CITY SERVICES AND A
WAIVER OF PARKING GARAGE FEES REGARDING THE ORGANIZATION'S
NOVEMBER FEZTIVAL OF TREES FUNDRAISING EVENT**

VOTE (250-2014)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the request submitted by the Lewiston Kora Shrine for use of city services and a waiver of parking garage fees for the organization's November Feztival of Trees fundraising event.

Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (251-2014)

Motion by Councilor Cayer, 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 7-0

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

VOTE (252-2014)

Motion by Councilor Cayer, seconded by Councilor Christ:

To amend the Commercial Loan Program Policy regarding Life Safety Grant/Loan Program, Policy Manual Number 27, as recommended by the Community Development Department staff and the City Administrator. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE ANDROSCOGGIN
BANK COLISEE, 190 BIRCH 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 (253-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To grant a Special Amusement permit for live entertainment to The Androscoggin Bank Colisee, 190 Birch Street. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR CONCERT AT DUFRESNE
PLAZA FOR THE GREAT FALLS YOGA FESTIVAL ON SEPTEMBER 13, 2014**

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 (254-2014)

Motion by Councilor Cloutier, seconded by Councilor Libby:

To conduct a public hearing on an application from the YWCA for an outdoor concert to be held at Dufresne Plaza on Saturday, September 13 for the Great Falls Yoga Festival, 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 the YWCA for the outdoor concert, 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

**APPROVING EASEMENTS AND VARIOUS RIGHT OF WAY AND PARKING
CHANGES ASSOCIATED WITH THE BATES COLLEGE PROJECT TO
CONSTRUCT TWO DORMITORIES ON CAMPUS AVENUE AND
CENTRAL AVENUE**

Councilor Cloutier recused herself citing a conflict of interest as an employee of Bates College. Public Works Director David Jones and City Planner David Hediger, along with Bates College

representatives, provided background information for these agenda items.

VOTE (255-2014)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the Order authorizing the City Administrator to develop, approve and execute documents issuing and accepting easements associated with the Bates College Dormitory project:

Whereas, Bates College proposed a project to construct two (2) new residence halls (dormitories) with a total of 230-250 beds, a campus store and a mail room; and

Whereas, the project will require several easements for both the City and Bates College; and

Whereas, the Planning Board at their meeting on July 28, 2014 approved the project with 9 conditions as identified City Planner David Hediger's letter dated July 31, 2014; and

Whereas, the City has agreed to allow Bates College to narrow a portion of Franklin Street from 30-34 feet wide to 26 feet wide (2-11 foot travel lanes and 2-2 foot gutters) as approved by the Director of Public Works; and will provide an easement allowing Bates to improve the sidewalk and landscaping in the area to provide a safer and more attractive pedestrian access, which the College will maintain at their own expense; and

Whereas, Bates College has agreed to provide the City with sidewalk easements along Campus Avenue and Central Avenue where the sidewalk will straddle the property lines; and

Whereas, Bates College has agreed to maintain the sidewalk on Campus Avenue between Bardwell Street and Central Avenue at their own cost; and

Whereas, the City agrees to provide Bates College with a 15 foot wide utility easement to cross Bardwell Street, Franklin Street (two (2) locations) and Campus Avenue; and

Whereas, the City agrees to provide Bates College with a stormwater pipe easement for their stormwater pipe crossing Franklin Street and Bardwell Street; and

Whereas, Bates College has agreed to provide the City with a stormwater easement for the catch basin located on the property of 96 Bardwell St and the associated piping that crosses 129 Nichols Street to Nichols Street where the pipe connects to the City's stormwater collection system; and

Whereas, the Bates College shall record all the easements in the Androscoggin County Registry of Deeds;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is Authorized to execute any documents to complete the agreement and issue/receive the easements as described in the completed easement deeds.

Passed - Vote 7-0

VOTE (256-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the Resolve indicating the support of the City Council for various changes involving

bike/pedestrian striping, on-street parking, curb extensions, and other right-of-way modifications associated with the Bates College dormitory project:

Whereas, Bates College is planning to develop two dormitories located at 55 and 65 Campus Avenue; and

Whereas, as a result of this project, Bates is requesting that certain changes be made to Campus and Central affecting such items as on- street parking, right of way modification, striping, and signage; and

Whereas, these improvements have been reviewed and are recommended by the Planning Board and supported by City-staff; and

Whereas, prior to the issuance of a building permit, the City Council must indicate support for these changes;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the following changes involving bike/pedestrian striping, changes to on-street parking, curb extensions, and other right-of-way modifications are hereby supported and staff is directed to work with Bates College to implement them and, where necessary, to prepare the Council actions required for them to be implemented:

Bike/pedestrian striping

- Paint Sharrow marking in Campus Ave 50' from the intersections at College Street and at Central Ave.
- Paint a double yellow solid line down the center of Campus Avenue between College Street and Central Avenue.
- Paint ladder style pedestrian crosswalks with handicap ramps at three locations on Campus Ave, and on the south side of Campus Ave at the intersections with Central Ave, Bardwell Street and Franklin Street.

Elimination of on street Parking: There will be a net addition of 10 new parking spaces in the development area after compensating for the loss of 14 on-street spaces.

Curb extensions and other right-of way modifications

- Curb extensions on Campus Ave at the painted crosswalks noted above are proposed for pedestrian safety and will require adjustments to the no parking signs in the area resulting in changes to the inventory of on-street parking.
- Narrowing of Franklin Street to 26' wide from Campus Ave to a point near the north entrance of the proposed parking lot will require adjustments to the no parking signs in the area resulting in changes to the inventory of on-street parking.

Summary of On-Street parking changes in the development area

- There will be a net loss of 14 parking spaces
 - Central Ave. net loss of 4 spaces
 - Campus Ave. net gain of 2 spaces
 - Bardwell Street net gain of 6 spaces

- Franklin Street net loss of 18 spaces

Summary of Off-Street parking changes in the development area

- There will be 24 new parking spaces in the development area that will be added to the total campus inventory

Signage

- New signage is proposed as identified on the attached map indicating signage for:
 - Pedestrian Crossings
 - No parking here to corner
 - School Zone
 - Stop signs

Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
233 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 (257-2014)

Motion by Councilor Cloutier, seconded by Councilor Libby:

With regard to the property at 233 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

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
248 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 (258-2014)

Motion by Councilor Cloutier, seconded by Councilor Libby:

With regard to the property at 248 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

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
390 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 (259-2014)

Motion by Councilor Lachance, seconded by Councilor Cayer:

With regard to the property at 390 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

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
66 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. No one representing the property owner was present for the hearing.

VOTE (260-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

With regard to the property at 66 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
2 SUMMER 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 (261-2014)

Motion by Councilor Cayer, seconded by Councilor Christ:

With regard to the property at 2 Summer 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 AN
AGREEMENT WITH CMP TO ACCEPT \$175,000 FOR THE RECONSTRUCTION OF
LARRABEE ROAD INCLUDING INSTALLATION OF A CULVERT AND
APPROPRIATING THESE FEES FOR THAT PURPOSE**

VOTE (262-2014)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the Order authorizing the City Administrator to execute an Agreement with CMP to accept \$175,000 for the reconstruction of Larrabee Road including installation of a culvert and

appropriating these fees for that purpose:

Whereas, Central Maine Power (CMP) Company's Maine Power Reliability Program included the construction of a major substation at the end of Larrabee Road in Lewiston; and

Whereas, Larrabee Road was originally a rural residential street that was not designed to carry the heavy trucks and equipment used during the construction project; and

Whereas, the City brought this to the attention of CMP's project managers early in the process and negotiated with them to pay for repairs to the road required as a result of the project; and

Whereas, the City and CMP representatives have negotiated an agreement where CMP will provide \$175,000 to the City to rehabilitate the roadway and replace a 48 inch culvert at the end of the roadway; and

Whereas, the attached document prepared by CMP or their representatives reflect this agreement;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator or his designee is hereby authorized to complete and execute an agreement with CMP for the rehabilitation of Larrabee Road and installation of a culvert at the end of the roadway in a form substantially as attached hereto.

Be it Further Ordered, that there is hereby accepted and appropriated the \$175,000 payment from CMP, said funds to be used for the rehabilitation of Larrabee Road and installation of a culvert at the end of the roadway.

Passed - Vote 7-0

RESOLVE ADOPTING THE FRANKLIN PASTURE TRUSTEES' SIGN SPONSORSHIP PROGRAM

VOTE (263-2014)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Resolve adopting the Franklin Pasture Trustees' Sign Sponsorship Program:

Whereas, the Franklin Pasture Athletic Complex needs immediate and substantial infrastructure improvements and additions as detailed in the Harriman Franklin Pasture Improvement Guide; and

Whereas, the total project estimate, including administrative support, contingency, and a future maintenance endowment, is \$5 million; and

Whereas, the Lewiston Athletic Foundation Trustees recognize that this level of funding cannot be born solely through the tax rate and desire to help raise the needed funds; and

Whereas, the Lewiston School Department has Administrative Policy EFDA and KHB with

which fundraising efforts, corporate sponsors, and donors must comply; and

Whereas, the Lewiston Athletic Foundation Trustees have developed various successful fundraising initiatives; and

Whereas, the Lewiston Athletic Foundation Trustees have created a Sign Sponsorship Program which is compliant with all applicable policies; and

Whereas, the program allows businesses to advertise through the use of signage throughout the complex at a one- or three-year rate; and

Whereas, all funds raised through this program will be dedicated to the Franklin Pasture Trustees' infrastructure and maintenance improvement initiative;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the Franklin Pasture Trustees' Sign Sponsorship Program is hereby approved and adopted.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A FIRST AMENDMENT TO THE AL (AUBURN LEWISTON) CONSORTIUM MUTUAL COOPERATION AGREEMENT TO FORM A CONSORTIUM UNDER THE HOME INVESTMENT PARTNERSHIP PROGRAM

VOTE (264-2014)

Motion by Councilor Libby, seconded by Councilor Lachance:

To approve the Order authorizing the City Administrator to execute a First Amendment to the AL (Auburn Lewiston) Consortium Mutual Cooperation Agreement to form a Consortium under the Home Investment Partnership Program:

Whereas, in June 2007, the City of Lewiston agreed to provide a HOME Investment Partnership Program ("HOME") loan to Pine Properties, LLC in the amount of \$200,000 to rehabilitate residential rental properties located on Pine Street; and

Whereas, over a period of approximately 12 months, the City loaned Pine Properties, LLC approximately \$180,000 based on invoices for property rehabilitation provided by Travis Soule, the principal owner of Pine Properties, LLC; and

Whereas, the City subsequently became aware that some of the work for which Pine Properties was reimbursed from HOME funds was not actually performed; and

Whereas, upon verifying that the work had not been performed, the City immediately notified officials of the United States Department of Housing and Urban Development ("HUD") and local law enforcement of the issue; and

Whereas, federal officials then instituted an investigation that eventually resulted in charges of

making false claims and theft of public money against Travis Soule, who subsequently pleaded guilty in June of 2011 and was sentenced to 14 months in federal prison; and

Whereas, the City and its employees cooperated fully in this investigation and its associated legal proceedings; and

Whereas, of the \$180,000 in question, \$40,000 was subsequently recovered from a bank that improperly paid on a forged check endorsement; and

Whereas, in 2013, HUD officials notified the City of an administrative claim against it for reimbursement of the remaining \$140,000 in federal funds misused by Mr. Soule; and

Whereas, through negotiations with HUD, the City has agreed to a settlement pursuant to which a request will be made to HUD to permit repaying this amount through annual reductions in the amount of HOME funds that the City will receive over the next three years; and

Whereas, should HUD agree to this approach, a reduction in the annual grant may result in a reduction to the percentage of the grant allowed for administrative expenses, a reduction which would have a negative impact on the City of Auburn's ability to oversee the consortium; and

Whereas, recognizing this impact, the Cities wish to amend the existing Consortium agreement to hold Auburn harmless from any reduction in the administrative allowance by amending Section 4 (a) of the agreement;

NOW, THEREFORE, in consideration of the mutual promises herein contained and other good and valuable considerations, receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to this First Amendment to the AL (AUBURN LEWISTON) CONSORTIUM MUTUAL COOPERATION AGREEMENT TO FORM A CONSORTIUM UNDER THE HOME INVESTMENT PARTNERSHIP PROGRAM

1. Section 4 – Funding – Subsection (a) is hereby amended through the addition of the following:

“In the event of an agreement that allows the City of Lewiston to reimburse HUD for improperly expended HOME funds through a multi-year reduction in the Consortium's annual HOME grant, the administrative funds allocated from the grant to the City of Lewiston will be reduced annually by the amount required to ensure that the City of Auburn continues to receive a total administrative allocation of 7% of the grant funds that would have been received if the grant had not been reduced. Should the reimbursement arrangement continue beyond the term of this agreement, this adjustment to the administrative allocation shall survive the term of this agreement and be incorporated into any subsequent agreement.”

Passed - Vote 7-0

REGARDING THE USE OF MARIJUANA BY PERSONS 21 YEARS OF AGE OR OLDER

VOTE (265-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the Order authorizing a Special Municipal Election to be held on Tuesday, November 4 for the purpose of holding a municipal referendum regarding the adoption of the proposed ordinance regarding the Use of Marijuana by Persons 21 Years of Age or Older:

Whereas, on June 4, 2014, a petition application was filed by ten registered voters to initiate the City's referendum process regarding the adoption of an ordinance regarding the Use of Marijuana by Persons 21 Years of Age or Older, and

Whereas, on June 9, 2014, the petitions were issued to the organizers and the petitions were open for the collection of signatures, and

Whereas, on August 8, 2014, the City Clerk determined that more than the required 859 valid signatures had been collected, and

Whereas, under the City's election ordinance, the City Council is provided the option of either implementing the action directed under the petition or placing the matter that was petitioned on a referendum ballot for a citizen vote,

Now, Therefore, be It Ordered by the City Council of the City of Lewiston that the City Council hereby calls for a Special Municipal Election to be held on Tuesday, November 4, 2014 for the purpose of holding a citizen vote on the issue of adopting the proposed ordinance regarding Use of Marijuana by Persons 21 Years of Age or Older, and the City Council further directs the City Clerk to prepare actions necessary for conducting such election.

Passed - Vote 7-0

ORDER AUTHORIZING THE AWARD OF BID 2014-051 FOR THE PURCHASE OF A STREET SAW AND TRAILER

City Budget Director Norm Beuparlant provided background information on this issue regarding the appeal of the Finance Committee's decision to not award Bid 2014-051, Street Saw and Trailer. Robert Reed and Michael Marcotte from the Finance Committee also provided additional information regarding the Committee's decision to not approve the bid citing concerns such as not having enough bidders, high shipping costs and not having the bid process followed in their opinion.

VOTE (266-2014)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Order awarding the bid at its bid price of \$24,675 as recommended to the Finance Committee:

Whereas, the FY 2015 budget approved by the City Council included the appropriation of unassigned Fund Balance for Capital Outlay purchases and other one-time costs; and

Whereas, among the items authorized to be purchased from these funds was a street saw and trailer; and

Whereas, in accordance with the City's purchasing policy, a request for bids was issued for this equipment and three (3) competing bids were received and evaluated by staff; and

Whereas, on August 18, 2014, a recommendation to award the bid to the low bidder meeting specifications was made to the Finance Committee by the Director of Budget and Purchasing; and

Whereas, the Finance Committee subsequently failed to award the bid on a vote of 2 in favor, 2 opposed, and 1 abstention; and

Whereas, given that the City's purchasing policy was adhered to in all respects, the action of the Finance Committee to fail to award the bid was incorrect; and

Whereas, city staff, in accordance with the provisions of the City Charter establishing the Finance Committee and its powers and duties, has appealed this action to the City Council; and

Whereas, the Council has reviewed the Appeal and has determined that the bid solicitation and award recommendation was done in a manner consistent with City Policy;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that Bid 2014-051 Street Saw and Trailer be awarded to Hertz Equipment, Scarborough, Maine, at their bid price of \$24,675.

Passed - Vote 5-2 (Councilors Dubois and Lachance opposed)

APPOINTMENT OF A CITY COUNCIL MEMBER TO THE SCHOOL COMMITTEE

The Mayor nominated Councilor Cloutier to serve as the Council's representative to the School Committee. There were no other nominations presented at this time.

VOTE (267-2014)

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

To receive the Mayor's nomination of Councilor Cloutier to serve as the City Council representative to the Lewiston School Committee, and to appoint Councilor Cloutier to serve on the School Committee for the remainder of the current term set to expire January 4, 2016.

Passed - Vote 7-0

APPOINTMENT OF A COMMUNITY MEMBER TO THE SCHOOL REDISTRICTING COMMITTEE

VOTE (268-2014)

Motion by Councilor Libby, seconded by Councilor Christ:

To appoint John Butler of 20 Ware Street as a community member to serve on the Lewiston School Committee Redistricting Committee. Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Cloutier noted the Greek Festival is coming up this weekend and encouraged residents to attend and support this community event.

OTHER BUSINESS

A resident questioned the actions of the Council stating many items during the meeting had very little discussion amongst the Councilors. He specifically mentioned the appointment of Mr. Butler to the School Redistricting Committee and asked why other residents were not considered. The Mayor explained Councilors receive a large amount of material prior to each Council meeting regarding every agenda item and he noted this material is on the City's website prior to each meeting for any resident to review as well. He noted Mr. Butler is a former City Councilor, former member of the School Committee and former member of several school building construction task forces, so the Council felt he would be an ideal candidate for the position.

EXECUTIVE SESSION

VOTE (269-2014)

Motion by Councilor Dubois, seconded by Councilor Cayer:

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 9:45pm and ended at 10:12pm.

VOTE (270-2014)

Motion by Councilor Cayer, seconded by Councilor Libby:

To adjourn at 10:12P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine