

**CITY OF LEWISTON**

**CITY COUNCIL**

**SEPTEMBER 16, 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 and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.  
Absent/Excused: Councilor Cayer

**EXECUTIVE SESSION**

**VOTE (271-2014)**

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 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 6:30pm and ended at 6:40pm.

**VOTE (272-2014)**

Motion by Councilor Lachance, 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 6:40pm and ended at 6:55pm.

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.

**MAYORAL PROCLAMATION SUPPORTING CLEAN AIR ACT**

Mayor Macdonald read the Proclamation regarding the Clean Air Act and presented it to a representative from the American Lung Association.

**PUBLIC COMMENT PERIOD**

School Committee member Matt Roy encouraged the members of the public to participate in the upcoming School Redistricting Committee meetings.

**ADOPTION OF MEETING SCHEDULE FOR THE MONTH OF NOVEMBER**

**VOTE (273-2014)**

Motion by Councilor Lachance, seconded by Councilor Cloutier:

To suspend Section 1,(a) of the Rules Governing the City Council, to cancel the November 4, 2014 Council meeting due to the conflict with Election Day and to hold one regular meeting during the month of November on Tuesday, November 18<sup>th</sup>. Passed - Vote 7-0

**APPOINTMENT TO THE LEWISTON HOUSING AUTHORITY BOARD OF COMMISSIONERS**

**VOTE (274-2014)**

Motion by Councilor Lachance, seconded by Councilor Cloutier:

To confirm the Mayor's nomination and to appoint Cecile Mathieu of 10 Seville Place as a member of the Board of Commissioners of the Lewiston Housing Authority, said term to expire September 17, 2019. Passed - Vote 7-0

**PUBLIC HEARING ON A NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR RAILS, LLC, 103 LINCOLN STREET**

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

**VOTE (275-2014)**

Motion by Councilor Christ, seconded by Councilor Lachance:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Rails, LLC, 103 Lincoln Street. Passed - Vote 7-0

**PUBLIC HEARING ON A SPECIAL AMUSEMENT PERMIT FOR SPARETIME RECREATION, 24 MOLLISON WAY**

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

**VOTE (276-2014)**

Motion by Councilor Libby, seconded by Councilor Christ:

To grant a special amusement permit for live entertainment to Sparetime Recreation, 24 Mollison Way. Passed - Vote 7-0

**PUBLIC HEARING FOR AN OUTDOOR ENTERTAINMENT PERMIT FOR THE DEMPSEY CHALLENGE**

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

**VOTE (277-2014)**

Motion by Councilor Cloutier, seconded by Councilor Libby:

To conduct a public hearing on an application from The Dempsey Challenge Committee for outdoor musical concerts to be held at Simard-Payne Memorial Park on September 27th and 28th, as part of The Dempsey Challenge, 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 organizing committee for the outdoor music 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 AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT  
FOR DANA’S GARAGE, 193 CROWLEY ROAD**

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

**VOTE (278-2014)**

Motion by Councilor Libby, seconded by Councilor Christ:

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 FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT  
FOR GARY ST. LAURENT/MAINE HEAVY EQUIPMENT RENTAL,  
1445 SABATTUS STREET**

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

**VOTE (279-2014)**

Motion by Councilor Lachance, seconded by Councilor Libby:

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

**PUBLIC HEARING FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT  
FOR GRIMMEL’S INDUSTRIES, 50 RIVER ROAD**

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

**VOTE (280-2014)**

Motion by Councilor Libby, seconded by Councilor Lachance:

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 7:00am to 5:00pm, Monday through Saturday
2. Maintain screening from the Maine Turnpike

Passed - Vote 7-0

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

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

**VOTE (281-2014)**

Motion by Councilor Christ, seconded by Councilor Libby:

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

**PUBLIC HEARING FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT FOR REENERGERY LEWISTON, LLC, 38 ALFRED A. PLOURDE PARKWAY**

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

**VOTE (282-2014)**

Motion by Councilor Libby, seconded by Councilor Dubois:

To grant an Automobile Graveyard/Junkyard permit to Reenergy Lewiston, LLC, 38 Alfred A. Plourde Parkway, subject to the outlined conditions. Passed - Vote 7-0

**PUBLIC HEARING FOR RENEWAL OF AN OUTPATIENT ADDICTION TREATMENT CLINIC FOR MERRIMACK RIVER MEDICAL SERVICES, INC., 18 MOLLISON WAY**

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

**VOTE (283-2014)**

Motion by Councilor Libby, seconded by Councilor Christ:

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

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT  
251 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 (284-2014)**

Motion by Councilor Libby, seconded by Councilor Christ:

With regard to the property at 251 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  
398 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 (285-2014)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

With regard to the property at 398 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  
162 OXFORD 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 (286-2014)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

With regard to the property at 162 Oxford 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  
267 ½ 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. Two people spoke noting they are real estate agents that are working with a potential buyer for the property.

**VOTE (287-2014)**

Motion by Councilor Libby, seconded by Councilor Christ:

With regard to the property at 267 ½ 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  
7 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 (288-2014)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

With regard to the property at 7 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  
68 RIVER STREET**

The City Attorney's Office recommended a continuation of this item to the next meeting to accommodate the property owner who is currently out of state.

**VOTE (289-2014)**

Motion by Councilor Libby, seconded by Councilor Christ:

To continue the hearing on this item to the October 7 City Council meeting.

Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT  
245 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 (290-2014)**

Motion by Councilor Libby, seconded by Councilor Dubois:

With regard to the property at 245 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  
7 WILLOW 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. Debra Labrie of 24 Cottage Street noted she is the owner of this property and opposed the Council action noting she is currently in the middle of repairing the property.

**VOTE (291-2014)**

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

With regard to the property at 7 Willow 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 6-1 (Councilor Lachance opposed)

**RESOLVE AMENDING THE COMPOSITION AND APPOINTMENT  
REQUIREMENTS FOR THE DOWNTOWN NEIGHBORHOOD ACTION  
COMMITTEE**

**VOTE (292-2014)**

Motion by Councilor Cloutier, seconded by Councilor Libby:

To adopt the Resolve Amending the Composition and Appointment Requirements for the Downtown Neighborhood Action Committee:

Whereas, the Council adopted resolution establishing the Downtown Neighborhood Action Committee sets aside two positions on the Committee for residents of the study area, one of which must be a representative of the Visible Community; and

Whereas, the study area generally encompasses the area located within the boundary of Adams/Park/Ash/Bartlett; and

Whereas, the Downtown Neighborhood Action Plan recognizes that these boundaries are somewhat arbitrary; and

Whereas, areas adjacent to the study area share many of its social and demographic characteristics and development patterns; and

Whereas, the City has had difficulty recruiting and retaining study area residents; and

Whereas, the positions on the Committee set aside for a business owner and a landlord indicate that they must own property "in or near" the study area; and

Whereas, the Committee has requested that the Council broaden the area from which residents

can be appointed in order to provide greater stability to the membership of the Committee;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the Composition and Appointment section of the Resolve establishing the Downtown Neighborhood Action Committee is hereby amended as follows:

3. Composition and Appointment. The Committee shall be composed of seven regular members to be appointed by the Mayor as follows:
  - a. Two residents ~~of the~~ who live in or near the study area to include at least one representative of the Visible Community;

(Deletions are ~~struck through~~, additions are underlined.)

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.

### **VOTE (293-2014)**

Motion by Councilor Christ, seconded by Councilor Libby:

To adjourn at 9:05P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine