

CITY OF LEWISTON

CITY COUNCIL

MARCH 17, 2015

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

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

Pledge of Allegiance to the Flag.

Moment of Silence.

LEWISTON YOUTH ADVISORY COUNCIL UPDATE

Councilor Libby provided the update on behalf of the group stating they recently made a presentation to students in Grades 1-6 educating them on the positive activities occurring in Lewiston and they are working on a Civic Engagement project with LHS students as well as planning the park dedication for the Mark W. Paradis Park. Applications will be available starting in June for the new year beginning July 1 and 5 members will be graduating this spring.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

ANNUAL AUTHORIZATION FOR THE PUBLIC WORKS DEPARTMENT TO POST CERTAIN ROADS, FROM MARCH 18TH TO MAY 1ST, PROHIBITING VEHICLES FROM HAVING A GROSS VEHICLE WEIGHT OVER 23,000 POUNDS

VOTE (78-2015)

Motion by Councilor Libby, seconded by Councilor Bouchard:

To authorize the Public Works Department to post the following roads prohibiting vehicles having a gross vehicle weight of over 23,000 pounds:

From March 18, 2015 to May 1, 2015:

Ferry Road - From Cottage Road to River Road

River Road - From Ferry Road to Solid Waste Facility

Dyer Road - From Lisbon Road to Ferry Road

Pinewoods Road - From Ferry Road to Town Line

Gayton Road - From Lisbon Road to Town Line

Webster Road - From Old Lisbon Road to Crowley Road

Merrill Road - From College Road to Main Street

Sleeper Road - From Merrill Road to Town Line

Randall Road - From Sunrise Lane to Grove Street

Grove Street - From Randall Road to Town Line
Old Greene Road - From North Temple Street to Town Line
No Name Pond Road - From Old Greene Road to Town Line
Pond Road - From Cherrywood Drive to No Name Pond Road

Passed - Vote 7-0

RESOLVE ACCEPTING PROJECT CANOPY COMMUNITY FORESTRY ASSISTANCE GRANT FOR THE PURPOSE OF ESTABLISHING A TREE NURSERY

VOTE (79-2015)

Motion by Councilor Cayer, seconded by Councilor Libby:

To approve the Resolve accepting Project Canopy Community Forestry Assistance Grant for the purpose of establishing a Tree Nursery:

Whereas, due to severe budget constraints, the cities of Lewiston and Auburn have reduced tree replacement and planting programs to the extent that replacements are not keeping track with removals; and

Whereas, developing a tree nursery will allow us to grow our own stock of replacement trees at a significantly lower cost; and

Whereas, the plan is to establish a nursery that will allow us to plant 300 saplings that, within five to six years will produce \$45,000 worth of trees for transplanting into city parks, open space, and rights of way; and

Whereas, starting a tree nursery was among the priorities established by the 2014 City Council in its planning session held shortly after taking office; and

Whereas, the grant is in the amount of \$7,366.40 which must be matched by a similar level of expenditure by the City and which can be met by in-kind services including City staff salaries and wages, equipment costs, or volunteer labor that is contributed to the project;

Now, therefore, be it resolved by the City Council of the City of Lewiston that there is hereby accepted a Project Canopy grant in the amount of \$7,366.40 for the purpose of establishing a tree nursery for the City of Lewiston and the Lewiston Auburn Community Forestry Board.

Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE CARLTON CLUB, INC., 25 SABATTUS STREET

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

VOTE (80-2015)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To grant a Special Amusement permit for live entertainment to the Carlton Club, Inc., 25 Sabattus Street. Passed - Vote 7-0

At this point, the Mayor took agenda item number 9 out of order and addressed it at this time.

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN ASSIGNMENT AND ASSUMPTION OF CONTRACT AND EASEMENT FOR 191 LISBON STREET

VOTE (81-2015)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To add the following phrase at the end of the Order: subject to completing maintenance to the walkway acceptable to the Code Enforcement Department Passed - Vote 7-0

VOTE (82-2015)

Motion by Councilor Dubois, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to execute an Assignment and Assumption of Contract and Easement for 191 Lisbon Street:

Whereas, On April 6, 1987, the City entered into a contract with and granted an easement to Normand J. Anctil permitting Mr. Anctil to connect his 191 Lisbon Street building to the Centreville Parking Garage via a second floor level walkway spanning Lisbon Street Alley; and

Whereas, the 1987 Contract states that Mr. Anctil shall not assign his rights with respect to the walkway over the alley and its connection to the Centreville Parking garage without the written consent of the City; and

Whereas, Mr. Anctil is planning to sell his 191 Lisbon Street property including the walkway to the garage and has requested that the City grant approval for him to assign his rights as per the contract and easement;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to Execute an Assignment and Assumption of Contract and Easement, in a form substantially as attached, relating to the second floor level walkway over Lisbon Street alley connecting the property at 191 Lisbon Street to the Centreville Parking Garage subject to completing maintenance to the walkway acceptable to the Code Enforcement Department.

Passed - Vote 7-0

**ADOPTION OF A NEW CITY POLICY REGARDING DEMOLITION PROTOCOLS
AND PROCEDURES**

VOTE (83-2015)

Motion by Councilor Cloutier, seconded by Councilor Cayer:

To postpone action on this item to a future City Council meeting. Passed - Vote 7-0

**AMENDMENTS TO THE PARKING FEES POLICY REGARDING THE SURFACE
PARKING LOT AT THE INTERSECTION OF LINCOLN AND CEDAR STREETS**

VOTE (84-2015)

Motion by Councilor Libby, seconded by Councilor Lachance:

To approve the proposed amendment to the Parking Fees Policy, Policy Manual Number 42, as recommended by the City Administrator and the Chief of Police. Passed - Vote 7-0

**RESOLVE APPROVING THE DOMINICAN BLOCK PARKING AGREEMENT AND
AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE SAME ON
BEHALF OF THE CITY**

VOTE (85-2015)

Motion by Councilor Lachance, seconded by Councilor Libby:

To adopt the Resolve approving the Dominican Block Parking Agreement and authorizing the City Administrator to execute the same on behalf of the City:

Whereas, DBLCC, LCC (DBLCC) is the owner of the Dominican Block located at 143 Lincoln Street; and

Whereas, DBLCC has invested significantly in the building and in meeting historic preservation redevelopment standards; and

Whereas, DBLCC, has received approval from Lewiston Historic Preservation Review Board for an elevator/stair tower/meeting room addition on the southerly side of the building; and

Whereas, DBLCC is actively seeking tenants for the building and is prepared to begin construction of the addition; and

Whereas, prior to commencement of construction of the addition, DBLCC wishes to enter into a long term lease for monthly parking at municipally owned facilities that will be used by tenants of the Dominican Block; and

Whereas, entering into such a lease will support redevelopment of a historic building and further the goals of Lewiston's Riverfront Island Master Plan;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the attached Dominican Block Parking Agreement is hereby approved and the City Administrator is authorized to execute the document on behalf of the City, substantially in the form as presented.

Passed – Vote 7-0

RESOLVE TRANSFERRING THE FY2014 \$75,000 AUTHORIZATION TO CONSTRUCT THE UNIVERSALLY ACCESSIBLE PLAYGROUND AT MARCOTTE PARK TO THE RIVERFRONT ISLAND MASTER PLAN PHASE II PROJECT

Councilor Bouchard spoke against this issue stating the City has spent too much money on the Amphitheater project and needs these funds for the Riverfront project. Councilor Lachance cited the current debt load the City is currently carrying as his reason for opposing this transfer of funds.

VOTE (86-2015)

Motion by Councilor Libby, seconded by Councilor Cayer:

To approve the Resolve transferring the FY2014 \$75,000 authorization to construct the Universally Accessible Playground at Marcotte Park to the Riverfront Island Master Plan Phase II Project:

Whereas, in the FY2014 LCIP, the City Council approved \$75,000 to partially fund the estimated \$538,565 construction cost for a universally accessible playground at Marcotte Park; and

Whereas, this project also included a \$60,000 Shane’s Inspiration Grant to fund the playground design and a small amount of playground equipment; and

Whereas, a stakeholder group was charged to raise the balance of construction costs through other grants or fundraising that, to date, have not been secured; and

Whereas, the City has a strategic initiative to pursue phase two of the Riverfront Island Master Plan; and

Whereas, the cost of phase two of the Riverfront Island Master Plan exceeded budgetary funds available by approximately \$80,000;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the FY2014 \$75,000 authorization to construct the universally accessible playground at Marcotte Park is hereby transferred to the Riverfront Island Master Plan Phase II project and staff is instructed to value engineer the project to balance the project budget.

Passed - Vote 4-3 (Councilors Lachance, Dubois and Bouchard opposed)

ORDER AUTHORIZING THE SALE OF CITY PROPERTY LOCATED AT 36 RIVER ROAD TO GRIMMEL’S CAR CRUSHING, LLC

The Council agreed to change the suggested \$300 amount for legal fees to \$500.

VOTE (87-2015)

Motion by Councilor Lachance, seconded by Councilor Libby:

To approve the Order authorizing the sale of City property located at 36 River Road to Grimmel's Car Crushing, LLC:

Whereas, the City owns a small triangular parcel of land at 36 River Road that appears to be a remainder parcel from when changes were made to the River Road right of way when the turnpike was constructed; and

Whereas, the City parcel is only 1,530 square feet and is insufficient in size to allow for any development; and

Whereas, Grimmel is looking to undertake improvements to its adjacent property that include installing a culvert pipe across this parcel to discharge stormwater; and

Whereas, when this plan was reviewed, the Planning Board suggested that the City convey this parcel to Grimmel to avoid the need to establish an easement; and

Whereas, it appears that this property has been included as a part of the adjacent Grimmel property for tax purposes for many years;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to transfer this property to Grimmel's Car Crushing, LLC in return for \$1 dollar and the agreement by Grimmel to draft the necessary legal description and quitclaim deed and to pay any City incurred legal expenses of up to \$500 associated with this transaction.

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.

EXECUTIVE SESSION

VOTE (88-2015)

Motion by Councilor Dubois, seconded by Councilor Bouchard:

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 7:58pm and ended at 8:32pm.

VOTE (89-2015)

Motion by Councilor Dubois, seconded by Councilor Libby:

To adjourn at 8:33P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine