

**CITY OF LEWISTON**

**CITY COUNCIL**

**APRIL 21, 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.

**PRESENTATION OF THE SPIRIT OF AMERICA AWARD TO THE  
LEWISTON YWCA**

The Mayor presented this award to the YWCA for all of their leadership within the community and to recognize all of the services and programs they provide within the region. He noted the collection efforts and support they undertook during the downtown fires in 2013.

**UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL**

The members are working on a “Do You Do Lew?” jeopardy game and working to engage children in being leaders of the community. They are also planning the dedication of the Mark W. Paradis Park on May 6.

**PUBLIC COMMENT PERIOD**

No members of the public offered comment at this time.

Councilor Lachance requested to have Item 4 removed from the Consent Agenda due to a conflict of interest.

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR  
REAL ESTATE LOCATED AT 27 STANLEY STREET**

**VOTE (107-2015)**

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 27 Stanley Street:

Whereas, the owner, Diane Y. Jones, failed to pay her real estate tax bills on a timely basis at 27 Stanley Street (Tax Map 119, Lot 7, Parcel 00-006038); and

Whereas, a tax lien was filed on June 13, 2012 (Book 8417 Page 21) and matured on December 13, 2013 in the amount of \$1,872.91; and

Whereas, a tax lien was filed on June 19, 2013 (Book 8699 Page 297) and matured on December 19, 2014 in the amount of \$1,867.28; and

Whereas, a tax lien was filed on June 18, 2014 (Book 8934 Page 206) in the amount of \$1,917.05; and

Whereas, payment was received in full on March 3, 2015;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that a quitclaim for 27 Stanley Street be issued to release the City's interest in the property to the owner.

Passed - Vote 7-0

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 58 CENTRAL AVENUE**

**VOTE (108-2015)**

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 58 Central Avenue:

Whereas, the owner, Derek Bates, failed to pay his real estate tax bills on a timely basis at 58 Central Avenue (Tax Map 194, Lot 107, Parcel 00-003435); and

Whereas, a tax lien was filed on June 19, 2013 (Book 8699 Page 60) and matured on December 19, 2014 in the amount of \$2,780.12; and

Whereas, payment was received in full on March 9, 2015; and

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that a quitclaim for 58 Central Avenue be issued to release the City's interest in the property to the owner.

Passed - Vote 7-0

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 135 SUMMER STREET**

**VOTE (109-2015)**

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 135 Summer Street:

Whereas, the owner, Venise Langlois, failed to pay her real estate tax bills on a timely basis at 135 Summer Street (Tax Map 205, Lot 25, Parcel 00-005593); and

Whereas, a tax lien was filed on June 13, 2012 (Book 8417 Page 238) and matured on December 13, 2013 in the amount of \$2,226.71; and

Whereas, payment was received in full on April 14, 2015;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that a quitclaim be issued for 135 Summer Street to release the City's interest in the property to the owner.

Passed - Vote 7-0

Councilor Lachance recused himself from this next item due to a conflict of interest.

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR  
REAL ESTATE LOCATED AT 193 ROSEDALE STREET**

**VOTE (110-2015)**

Motion by Councilor Libby, seconded by Councilor Bouchard:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 193 Rosedale Street:

Whereas, the owner, Paul Russell, failed to pay his real estate tax and utility bills on a timely basis at 193 Rosedale Street (Tax Map 177, Lot 207, Parcel 00-007607); and

Whereas, a tax lien was filed on June 17, 2011 (Book 8181 Page 281) and matured on December 17, 2012 in the amount of \$1,808.89; a tax lien was filed on June 13, 2012 (Book 8418 Page 50) and matured on December 13, 2013 in the amount of \$2,110.91; a tax lien was filed on June 19, 2013 (Book 8700 Page 125) and matured on December 19, 2014 in the amount of \$2,113.52; and a tax lien was filed on June 18, 2014 (Book 8935 Page 47) in the amount of \$2,177.63; and

Whereas, a sewer lien was filed on March 2, 2012 (Book 8348 Page 238) and matured on September 1, 2013 in the amount of \$120.08; a sewer lien was filed on December 21, 2012 (Book 8567 Page 348) and matured on June 22, 2014 in the amount of \$137.24; a sewer lien was filed on August 29, 2013 (Book 8760 Page 254) and matured on February 28, 2015 in the amount of \$512.12; and a sewer lien was filed on June 19, 2014 (Book 8936 Page 104) in the amount of \$321.76; and

Whereas, a water lien was filed on August 29, 2013 (Book 8760 Page 146) and matured on February 28, 2015 in the amount of \$241.27; and a water lien was filed on June 19, 2014 (Book 8936 Page 187) in the amount of \$231.67; and

Whereas, a stormwater lien was filed on June 19, 2014 (Book 8936 Page 315) in the amount of \$105.18; and

Whereas, payment will be received in full upon the sale of the property closing;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that a quitclaim for 193 Rosedale Avenue be issued to release the City’s interest in the property to the new owner.

Passed - Vote 7-0 (The Mayor voted in place of Councilor Lachance.)

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (111-2015)**

Motion by Councilor Cayer, seconded by Councilor Cloutier:

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 \$1,298.00, less administrative fees, or any portion thereof, in the case of State of Maine vs. James Winbrone, CR-13-3423; the transfer of \$1,082.00, less administrative fees, or any portion thereof, in the case of State of Maine vs. Mustafa Abdi, CR-15-274; the transfer of 8.5% of \$6,010, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. CE-13-0038, 14-DEA-602300; the transfer of 10% of \$7,629 less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. CE-14-0040, 14-DEA-603429; the transfer of 14% of \$5,124, less administrative fees, or any portion there of, in the case of the US Department of Justice Drug Enforcement Administration vs. CE-14-0038, 14-DEA-603433; and the transfer of 4% of \$18,900, less administrative fees, or any portion there of, in the case of the US Department of Justice Drug Enforcement Administration vs. CE-14-0013, 14-DEA-593826. 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’.

Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE PARKS AND RECREATION ORDINANCE TO INCORPORATE THE NEW RIVERSIDE GREENWAY AS A RECOGNIZED CITY PARK**

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 (112-2015)**

Motion by Councilor Cloutier, seconded by Councilor Cayer:

That the proposed amendment to the City Code of Ordinances, Chapter 54 “Parks and Recreation” regarding the addition of Riverside Greenway to the list of city parks, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting. Passed – Vote 7-0

**RESOLVE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO NEGOTIATIONS WITH KEVIN MORIN REGARDING THE DISPOSITION OF CITY RIGHT OF WAY ADJACENT TO 117 COMMERCIAL STREET**

**VOTE (113-2015)**

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To approve the Resolve authorizing the City Administrator to enter into negotiations with Kevin Morin regarding the disposition of city right of way adjacent to 117 Commercial Street:

Whereas, Kevin Morin of Morin's Machine Shop has expressed interest in acquiring excess City-owned street right of way adjacent to the machine shop's property at 117 Commercial Street; and

Whereas, the City property consists of about 19,000 square feet located outside of the paved travel lanes of Ferry Road and Commercial Street and is in excess of the City's needs for street right of way; and

Whereas, this request been reviewed by the Planning Board which supported disposition of this property subject to several conditions; and

Whereas, while this property could accommodate a separate development, the road set back requirements are such that the area for a building and associated parking is highly limited; and

Whereas, as a result, its highest potential value is as an addition to the adjacent Morin lot to allow that business to expand; and

Whereas, given this, the City Administrator recommends that direct negotiations, as authorized by section 5.6 of the City's Property Disposition Policy, take place with Kevin Morin;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the City Administrator is hereby authorized to enter into direct negotiations with Kevin Morin of Morin's Machine Shop regarding the potential sale of excess City right of way located adjacent to the machine shop's property at 117 Commercial Street and to report back to the Council and the Planning Board on the potential terms and conditions of such a sale.

Passed - Vote 7-0

**RESOLVE ACCEPTING THE DONATION OF THE PROPERTY AT  
8 SPOFFORD STREET**

**VOTE (114-2015)**

Motion by Councilor Libby, seconded by Councilor Bouchard:

To approve the Resolve accepting the donation of the property at 8 Spofford Street:

Whereas, the owner of the property located at 8 Spofford Street, Charlotte Deschense, has offered to donate this vacant 100 by 100 foot lot adjacent to the Garcelon Bog to the City; and

Whereas, this property is assessed at \$2,640, has no road frontage or access, and portions of it are restricted by shoreland zoning; and

Whereas, as a result, this property is effectively undevelopable; and

Whereas, the City, which owns a large part of the Bog, has placed its property in a conservation easement as mitigation for wetland impacts related to development in the Exit 80 industrial area; and

Whereas, this property may have value for future mitigation of wetland impacts elsewhere in the community or in the immediate area of the Bog; and

Whereas, the Planning Board has reviewed this offer and recommends that it be accepted;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the donation of 8 Spofford Street is hereby accepted and the City Administrator is directed to take the necessary steps to transfer its ownership to the City.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO SIGN A LEASE WITH THE LAKE AUBURN WATERSHED NEIGHBORHOOD ASSOCIATION (LAWNA) FOR THE PROPERTY TO BE USED AS A TREE NURSERY**

**VOTE (115-2015)**

Motion by Councilor Cayer, seconded by Councilor Libby:

To approve the Order authorizing the City Administrator to sign a lease with the Lake Auburn Watershed Neighborhood Association (LAWNA) for the property to be used as 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 City Council approved a resolve accepting a Project Canopy grant in the amount of \$7,366.40 at their March 17, 2015 meeting; and

Whereas, LAWNA offered to provide property for the Tree Nursery at no cost at their property located at 115 North Auburn Road in Auburn; and

Whereas, the final lease documents were developed, reviewed, and agreed to (including a review by the City's attorney) by LAWNA, the City of Auburn and City of Lewiston;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute the lease documents for the land upon which the Tree Nursery will be located with no cost to the City.

Passed - Vote 7-0

**RESOLVE APPROVING AND ADOPTING THE 2015-2019 CDBG CONSOLIDATED PLAN**

**VOTE (116-2015)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Resolve approving and adopting the 2015-2019 CDBG Consolidated Plan:

Whereas, Lewiston is a Community Development Block Grant (CDBG) Entitlement Community; and

Whereas, as an Entitlement Community, Lewiston must comply with requirements contained in Title 24 CFR 570.302 regarding the adoption of a 5 year Consolidated Plan that outlines how CDBG funds will be invested during the term of the plan; and

Whereas, the proposed Consolidated Plan has been developed in concert with a seven member CDBG Citizen Advisory Committee that encouraged and realized significant public engagement throughout development of the Plan; and

Whereas, the Plan has met the requisite public notice and public comment requirements;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the 2015-2019 CDBG Consolidated Plan is hereby approved and adopted substantially in the form as presented and that the same be submitted to the U.S. Department of Housing and Urban Development for approval.

Passed - Vote 7-0

**BUDGET RECOMMENDATIONS FROM THE FINANCE COMMITTEE REGARDING THE PROPOSED FISCAL YEAR 2016 BUDGET**

**VOTE (117-2015)**

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To receive and review the recommendation from the Finance Committee regarding the proposed Fiscal Year 2016 Budget. Passed - Vote 7-0

**REPORTS AND UPDATES**

The City Administrator stated the Public Works Task Force is working on a draft report to present to the Council and they are hoping to finish up their work soon. He also noted as part of the budget discussions, the idea arose regarding sending a letter to the area non-profit entities regarding the city's budget issues and a possible PILOT (payment in lieu of taxes). Mr. Barrett stated he will draft a letter for the Council's review. Councilor Libby agreed with creating a letter as did Councilors Dubois, Bouchard and D'Auteuil.

**OTHER BUSINESS**

No other business was presented at this time.

**EXECUTIVE SESSION**

**VOTE (118-2015)**

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 7:25pm and ended at 7:34pm.

**VOTE (119-2015)**

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

To enter into an Executive Session, pursuant to MRSA Title 1, section 405 (6) (c), to discuss Economic Development, 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 7:34pm and ended at 8:09pm.

**VOTE (120-2015)**

Motion by Councilor Dubois, seconded by Councilor Lachance:

To adjourn at 8:10P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine