

CITY OF LEWISTON

CITY COUNCIL

AUGUST 11, 2015

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, Bouchard, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (202-2015)

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 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 6:45pm and ended at 7:05pm.

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

Daniel Felkel, an attorney representing the Lewiston Police Patrol Union, addressed the Council regarding the status of contract negotiations, noting the police officers have been working without a contract for over a year. He addresses such issues as cost of living increases, wages, benefits and working conditions. He reviewed statistics comparing other Maine police departments regarding their benefits packages, retirement offerings and wage scales. He stated the Lewiston officers are working with a heavy workload in a high-crime area. Union president Matthew Vierling invited City Councilors to do a ride-along with the officers to experience first-hand the working conditions within the city.

Charles Soule of 135 Bartlett Street said there will be a citizen straw polls vote in October regarding the new "mega" school and he stated that 67% of teachers wanted to rehabilitate the Longley School and rebuild Martel School.

AUTHORIZATION FOR THE CITY CLERK TO CAST THE CITY'S BALLOT FOR THE MAINE MUNICIPAL ASSOCIATION'S EXECUTIVE COMMITTEE AND VICE-PRESIDENT

VOTE (203-2015)

Motion by Councilor Lachance, seconded by Councilor Cayer:

To approve the slate of candidates as presented on the Maine Municipal Association's ballot and to authorize the City Clerk to cast the City's ballot for the Maine Municipal Association's Executive Committee and Vice-President. Passed - Vote 7-0

RESOLVE ACCEPTING A TD TREE DAYS GRANT FROM TD BANK IN THE AMOUNT OF \$15,806.70

VOTE (204-2015)

Motion by Councilor Lachance, seconded by Councilor Cayer:

To approve the Resolve accepting a TD Tree Days Grant from TD Bank in the amount of \$15,806.70:

Whereas, the Alliance for Community Trees and TD Bank jointly sponsor a TD Tree Days grant for Project Canopy to plant trees in communities where the bank is located; and

Whereas, there are only two (2) grants awarded to communities in Maine each year; and

Whereas, the City Arborist applied for a grant to plant 62 trees in the Birch Street, Colisee, and Marcotte Park areas; and

Whereas, the grant to Lewiston was approved in late July in the amount of \$15,806.70 to pay for trees, other materials, and supporting services; and

Whereas, the only cost to the City related to this grant will be the City equipment and labor to identify and prepare the planting sites and advise and assist the TD Bank volunteers on the workday of the event; and

Whereas, two grant payments will be made to the City (50% upon return of the signed agreement and 50% upon satisfactory completion of the project); and

Whereas, the event is scheduled to occur on October 15, 2015 when volunteers from TD Bank will participate in the TD Tree Days event to plant the trees;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the TD Day grant from TD Bank in the amount of \$15,806.70 is hereby accepted with thanks and appreciation and the City Administrator is authorized to execute the TD Bank Tree Days Grant Agreement and to assign City Arborist staff and equipment to work with the volunteers to complete the project.

Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE AND A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR MICHELLE'S BANQUET HALL, 711 WEBSTER 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 (205-2015)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Michelle's Banquet Hall, 711 Webster Street. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL OF A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR CARRIAGE HOUSE PLUS, 1119 LISBON 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 (206-2015)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

To grant a Special Amusement permit for live entertainment to Carriage House Plus, 1119 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL OF A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SPARETIME RECREATION, 24 MOLLISON WAY

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 (207-2015)

Motion by Councilor Bouchard, seconded by Councilor Lachance:

To grant a Special Amusement permit for live entertainment to Sparetime Recreation, 24 Mollison Way. 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. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (208-2015)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

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

**PUBLIC HEARING ON THE RENEWAL OF A SPECIAL AMUSEMENT PERMIT FOR
LIVE ENTERTAINMENT FOR SHE DOESN'T LIKE GUTHRIES,
115 MIDDLE 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 (209-2015)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To grant a Special Amusement permit for live entertainment to She Doesn't Like Guthries, 115 Middle Street. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE AMENDMENTS
REGARDING CHILD CARE FACILITY STANDARDS AND PARKING**

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 (210-2015)

Motion by Councilor Cayer, seconded by Councilor Bouchard:

That the proposed amendments to Appendix A, Article XII "Performance Standards", Section 20 "Child care facility standards" of the City Zoning and Land Use Code, receive final passage by a roll call vote. Passed - Vote 7-0

**ORDER APPROVING THE CITY'S PURCHASE OF 2 AND 26 OXFORD STREET,
LEWISTON AND AUTHORIZING THE CITY ADMINISTRATION TO EXECUTE
THE PURCHASE AND SALE AGREEMENT AND OTHER DOCUMENTS
NECESSARY TO EFFECT THE TRANSACTION**

Lincoln Jeffers, Director of Community and Economic Development, made a presentation to the City Council on this issue. Bruce Damon, chairperson of the Planning Board, stated that boards are created to establish a system of checks and balances for the city and the Planning Board is a steward of the Comprehensive Plan and the Land Use Code and other documents requiring implementation. He said the Planning Board is opposed to this item and noted land banking in this area is not the highest and best use of this land. The City Administrator noted the plan is for a future long term use and a mixed use development, not a parking lot. Paul Dionne representing Mr. Hood, the property owner, stated Mr. Hood is offering this property to the City for less than the appraised value because it is contiguous to the park.

VOTE (211-2015)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To adopt the Order approving the City's purchase of 2 and 26 Oxford Street, Lewiston and authorizing the City Administrator to execute the Purchase and Sale Agreement and other documents necessary to effect the transaction:

Whereas, the owner of 2 and 26 Oxford Street recently lost a long term tenant and has offered the properties for sale to the city prior to listing them for sale; and

Whereas, 2 and 26 Oxford Street currently have a combined Assessed Value of \$322,400 and are .6548 acres in size; and

Whereas, the owner of the properties has agreed to sell both parcels to the city for the combined price of \$315,000; and

Whereas, sufficient funding for the acquisition, totaling \$322,745, is available through the transfer of the following funds to the Acquisition/Demolition account: \$147,485 that the city received in roof insurance for Bates Mill #5; \$50,000 received in option payments made by the group promoting a casino at Bates Mill #5; and \$125,260 in accumulated investment earnings from Bates Mill operating subsidies and projects; and

Whereas, these two properties are adjacent to Simard Payne Park and overlook Cross Canal #1 on the north side and the Lower Canal on the west side; and

Whereas, these properties are identified in the Riverfront Island Master Plan as a prime site for a mixed use development project; and

Whereas, parking is a critical and necessary component necessary to support the redevelopment of the Bates Mill complex, PAMCO Mill, and other mills in the Riverfront Island area; and

Whereas, until market demand warrants construction of a mixed use project, 2 and 26 Oxford Street can be developed as surface parking at a significantly lower cost than decked parking, supporting expansion of the tax base;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the acquisition of 2 and 26 Oxford Street in Lewiston is approved under the terms of the attached Purchase and Sale Agreement. The City Administrator is authorized to execute the Purchase and Sale Agreement and other documents necessary to effect the transaction on behalf of the City, and the Finance Director is authorized to transfer the aforementioned funds to the Acquisition/Demolition account in order to fund the purchase of the properties.

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

RESOLVE AUTHORIZING THE TRANSFER OF \$724,939 OF SURPLUS UTILITY BOND PROCEEDS

VOTE (212-2015)

Motion by Councilor Cloutier, seconded by Councilor Cayer:

To approve the Resolve authorizing the transfer of \$724,939 of surplus Utility Bond proceeds:

Whereas, the completed Jepson Brook Drainage sewer and stormwater project produced surplus proceeds of \$550,000 for each utility due to competitive bids received; and

Whereas, remaining available Jepson Brook funds total \$724,939; and

Whereas, the Public Works Department has identified the next planned combined sewer overflow projects, sewer rehabilitation projects, and the completion of the North Temple storm drain replacement projects as appropriate ones to utilize the available surplus bond proceeds;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the transfers of \$360,517.81 in surplus sewer bond proceeds and \$364,421.19 in surplus stormwater proceeds is hereby approved for the purpose of funding \$396,638.49 in additional CSO separation projects, \$208,300.51 in additional sewer rehabilitation work, and \$120,000 to replace the North Temple storm drain.

Passed - Vote 6-1 (Councilor Bouchard opposed)

**ORDER TAKING POSSESSION OF TAX ACQUIRED PROPERTY AT
112 HOLLAND STREET**

VOTE (213-2015)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Order taking possession of Tax Acquired Property at 112 Holland Street:

Whereas, tax liens have matured on the property at 112 Holland Street; and

Whereas, the structure on this property was condemned by the City Council and ordered demolished in 2014; and

Whereas, the balances due to the City include \$7,630.57 in real estate taxes and interest, \$1,649.07 in utility bills, and \$28,195.65 in demolition fees for a total of \$37,475.29; and

Whereas, after numerous attempts to contact the owners through the collection and tax lien process and in accordance with City Policy #92, Properties with Matured Tax or Sewer Liens, a thirty-day matured lien demand letter was sent to property owners in which they were informed that if amounts due the City were not paid, the City Council would consider taking possession of the property; and

Whereas, in spite of these efforts, the amounts due to the City have not been paid; and

Whereas, as a result, it is appropriate for the City Council to act to take possession of these properties; and

Whereas, given the location and size of the property, the City has no reason to maintain ownership; and

Whereas, in accordance with City Ordinances, the Planning Board must provide a recommendation on the disposition of property;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that, based on matured tax liens, the City take formal possession of the property located at 112 Holland Street; and

Be it Further Ordered, that a formal request is hereby made to the Planning Board for a recommendation on the disposition of this property; and

Be it Further Ordered, that, subject to a positive recommendation from the Planning Board, the City Administrator is authorized to take the necessary steps to sell the property at 112 Holland Street.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A MASTER LEASE AGREEMENT WITH PORTLAND CELLULAR PARTNERSHIP, A MAINE GENERAL PARTNERSHIP D/B/A VERIZON WIRELESS, FOR INSTALLATION, MAINTENANCE AND OPERATION OF COMMUNICATIONS EQUIPMENT IN AND/OR UPON SOME OF THE CITY'S BUILDINGS AND OTHER FACILITIES

VOTE (214-2015)

Motion by Councilor Cayer, seconded by Councilor Bouchard:

To approve the Order authorizing the City Administrator to enter into a Master Lease Agreement with Portland Cellular Partnership, a Maine General Partnership d/b/a Verizon Wireless, for Installation, Maintenance and Operation of Communications Equipment in and/or upon some of the City's buildings and other facilities:

Whereas, the City has been approached by a representative of Verizon Wireless seeking to potentially locate certain wireless/cell related equipment on City owned property; and

Whereas, in particular, they are seeking locations for a number of "mini-hubs" for cell service that are designed to divert traffic from a number of their main installations that are at or near service capacity; and

Whereas, these hubs could be located in buildings or, more likely, on city owned poles such as traffic signal poles; and

Whereas, Verizon would pay a monthly fee for each installation; and

Whereas, Verizon has proposed entering into a master lease that would outline the general terms and conditions for such installations; and

Whereas, additional individual addendums would then be agreed to for each separate location, which would outline any additional conditions for that location as well as the monthly fee to be paid;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a master lease agreement with Portland Cellular

Partnership, d/b/a/ Verizon Wireless, in a form substantially as attached hereto for the installation of wireless/cell related equipment on City owned property and to enter into such addenda as may be required for individual locations.

Passed - Vote 7-0

ORDER AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER FOUR TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF LEWISTON AND EDWARD A. BARRETT

VOTE (215-2015)

Motion by Councilor Cloutier, seconded by Councilor Dubois:

To approve the Order authorizing the Mayor to execute Amendment Number Four to the employment agreement between the City of Lewiston and Edward A. Barrett:

Whereas, the City entered into an agreement with Edward A. Barrett on December 1, 2009 under which he assumed the position of City Administrator; and

Whereas, in accordance with that agreement, the City Council has evaluated the performance of the City Administrator; and

Whereas, the Council wishes to adjust the Administrator's salary by 1.5% effective in January 2015, the same increase provided to other non-represented employees of the City;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the Mayor is authorized to execute a fourth amendment to the employment agreement with Edward A. Barrett, a copy of which is attached hereto.

Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Councilor Lachance requested a list of city owned properties and to schedule a workshop for a discussion regarding these properties.

EXECUTIVE SESSION

VOTE (216-2015)

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 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 9:15pm and ended at 9:45pm.

VOTE (217-2015)

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 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 10:10pm.

VOTE (217A-2015)

Motion by Councilor Dubois, seconded by Councilor Lachance:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions - International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458. Passed - Vote 7-0

Executive Session began at 10:10pm and ended at 11:39pm.

VOTE (217B-2015)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To adjourn at 11:39P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine