

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 6, 2015

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 5:30 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

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

Excused/Absent: Councilor D'Auteuil. Note – Under the Charter, the Mayor is permitted to vote in the absence of a City Councilor.

Pledge of Allegiance to the Flag.

Moment of Silence.

EXECUTIVE SESSION

VOTE (251-2015)

Motion by Councilor Dubois, seconded by Councilor Libby:

To enter into Executive Session to review an application submitted under MRSA Title 36, section 841(2). Passed - Vote 7-0

LEWISTON YOUTH ADVISORY COUNCIL UPDATE

Eric Hall stated they are working on a positive image campaign for Lewiston and will host a Jeopardy style game on November 4 at the Library. They are asking for photos of Lewiston to share on the city's website.

PUBLIC COMMENT PERIOD

Melissa Dunn, a tenant's right organizer, noted recently a tenant was locked out of their apartment due to complaining about the conditions of the apartment. She thanked the Code Enforcement Department for helping with the situation. Norm Johnson spoke about a bed bug infestation at this home and said his children brought them home from McMahon School. He requested the School provide the financial assistance to exterminate his home and treat the situation.

ORDERS AUTHORIZING EXECUTION OF MUNICIPAL QUITCLAIM DEEDS

VOTE (252-2015)

Motion by Councilor Libby, seconded by Councilor Bouchard:

To approve the Orders authorizing execution of municipal quitclaim deeds for real estate liens and/or utility liens at 122 Wellman Street, 111 Pine Street, 16 Ann Street and 357 Sabattus Street:

112 Wellman Street Quitclaim Deed:

Whereas, the owner, Laurie A. Danforth, failed to pay her utility bills on a timely basis at 122 Wellman Street (Tax Map 177, Lot 207, Parcel 00-007607); and

Whereas, a water lien was filed on August 29, 2013 (Book 8760 Page 127) and matured on February 28, 2015, in the amount of \$371.35; and

Whereas, a sewer lien was filed on August 29, 2013 (Book 8760 Page 230) and matured on February 28, 2015, in the amount of \$518.46; and

Whereas, a stormwater lien was filed on December 6, 2013 (Book 8830 Page 120) and matured on June 7, 2015, in the amount of \$104.27; and

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

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that a quitclaim deed is hereby authorized to be issued for 122 Wellman Street to release the City's interest in the property to Fannie Mae a/k/a Federal National Mortgage.

111 Pine Street Quitclaim Deed:

Whereas, the owner, Richard L. Seamon, failed to pay his utility bills on a timely basis at 111 Pine Street (Tax Map 195, Lot 455, Parcel 00-010151); and

Whereas, a water lien was filed on August 29, 2013 (Book 8760 Page 90) and matured on February 28, 2015, in the amount of \$172.37; and

Whereas, a sewer lien was filed on August 29, 2013 (Book 8760 Page 193) and matured on February 28, 2015, in the amount of \$146.98; and

Whereas, a stormwater lien was filed on December 6, 2013 (Book 8830 Page 272) and matured on June 7, 2015, in the amount of \$104.78; and

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

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that a quitclaim deed for 111 Pine Street is hereby authorized to be issued to release the City's interest in the property to Fannie Mae a/k/a Federal National Mortgage.

16 Ann Street Quitclaim Deed:

Whereas, the owner, Yvan Gauvin, failed to pay his utility bills on a timely basis at 16 Ann Street (Tax Map 89, Lot 90, Parcel 00-010826); and

Whereas, a stormwater lien was filed on December 6, 2013 (Book 8830 Page 154) and matured on June 7, 2015, in the amount of \$104.78; and

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

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that a quitclaim deed for 16 Ann Street is hereby authorized to be issued to release the City's interest in the property at 16 Ann Street back to the owner.

357 Sabattus Street Quitclaim Deed:

Whereas, the owner, 134 Main St. LLC, failed to pay their special real estate tax bill on a timely basis at 357 Sabattus Street (Tax Map 174, Lot 147, Parcel 00-005751); and

Whereas, a special tax lien was filed on September 26, 2013 (Book 8782 Page 330) and matured on August 11, 2015, in the amount of \$26,314.60; and

Whereas, payment was received in full on July 7, 2015;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that a quitclaim deed is hereby authorized to be issued for 357 Sabattus Street to release the City's interest in the property to the new owner.

Passed - Vote 7-0

APPROVAL OF ELECTION WARRANT CALLING FOR THE MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015 FOR THE OFFICES OF MAYOR, CITY COUNCIL AND SCHOOL COMMITTEE, AND RECOMMENDATIONS FROM THE CITY CLERK/REGISTRAR OF VOTERS ON ACTIONS NECESSARY TO CONDUCT THE MUNICIPAL CANDIDATE AND STATE REFERENDUM ELECTION, TO BE HELD ON TUESDAY, NOVEMBER 3, 2015

VOTE (253-2015)

Motion by Councilor Libby, seconded by Councilor Bouchard:

To approve the Order regarding the Election Warrant calling for the Municipal Election to be held on Tuesday, November 3, 2015 for the offices of Mayor, City Council and School Committee, and Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Municipal Candidate and State Referendum Election, to be held on Tuesday, November 3, 2015:

A. That the hours for acceptance of registrations in person only, prior to the Nov. 3rd election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, Oct. 14 through Nov. 2, 2015; and additional hours of 4:00pm to 7:00pm on Thursday, October 29, 2015.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 9:00am, 3:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION AND SPECIAL AMUSEMENT PERMIT FOR AGORA GRAND EVENT CENTER, 220 BATES 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 (254-2015)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit with the following conditions for Agora Grand Event Center, 220 Bates Street:

Public events held on Thursday, Friday or Saturday, or the days before Federal holidays, alcoholic beverages will not be served beyond 1:00AM the following morning and patrons will be required to leave the property by 2:00AM the following morning. For public events beginning on any other day, alcoholic beverages will not be served beyond 12:00AM the following morning and patrons will be required to leave the property by 1:00AM the following morning.

Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR FAST BREAKS, 1465 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. Mayor Macdonald then closed the hearing.

VOTE (255-2015)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To grant a Special Amusement permit for live entertainment to Fast Breaks, 1465 Lisbon Street.
Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR PEDRO O'HARA'S, 134 MAIN 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 (256-2015)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To grant a Special Amusement permit for live entertainment to Pedro O'Hara's, 134 Main Street.
Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FOR A BUSINESS LICENSE RENEWAL FOR MERRIMACK RIVER MEDICAL SERVICES, INC., FOR AN OUTPATIENT ADDICTION TREATMENT CLINIC AT 18 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. Mayor Macdonald then closed the hearing.

VOTE (257-2015)

Motion by Councilor Libby, seconded by Councilor Cloutier:

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) Within a period not less than 60 nor more than 90 days from beginning patient services, licensee shall convene a meeting inviting owners and tenants located within the Spare-Time Recreation Development to review clinic operations and any issues or concerns the parties may have. Licensee shall extend invitation to attend that meeting to the City's Chief of Police, City Administrator, and City Councilor representing the ward in which the clinic is located.
- 4) 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.
- 5) 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.
- 6) Consistent with the applicant's application, the number of clients shall not exceed 500 at any given time.
- 7) Prior to commencing operations, the applicant will 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.
- 8) 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

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE PARKS AND RECREATION ORDINANCE TO ADD ELEMENTARY SCHOOL

**GROUNDS TO THE LIST OF CITY PARKS THAT CANNOT BE OCCUPIED
AFTER 9PM**

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 (258-2015)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

That the proposed amendments to the City Code of Ordinances, Chapter 54 “Parks and Recreation” regarding the addition of elementary school grounds to the list of city parks that cannot be occupied after 9pm, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE
BUSINESS LICENSING ORDINANCE REGARDING OUTPATIENT ADDICTION
TREATMENT CLINICS**

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 (259-2015)

Motion by Councilor Bouchard, seconded by Councilor Cayer:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article XIV “Outpatient Addiction Treatment Clinics”, Sections 22-417 “Meetings with the chief of police”, receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regularly scheduled meeting. Passed - Vote 7-0

**PUBLIC HEARING ON AMENDMENT TO THE GENERAL ASSISTANCE POLICY
FOR ANNUAL AUTHORIZATION OF ELIGIBILITY AMOUNTS**

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 (260-2015)

Motion by Councilor Cayer, seconded by Councilor Libby:

That the maximum amounts allowed for General Assistance and the maximum amounts allowed for food, housing, personal/household supplies, and utilities in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be adopted as presented, in accordance with HUD guidelines and the current Thrifty Food Plan.
Passed - Vote 7-0

**REQUEST FOR ABATEMENT OF PROPERTY TAXES FOR APPLICATION UNDER
TITLE 36, SECTION 841 (2)**

VOTE (261-2015)

Motion by Councilor Libby, seconded by Councilor Cayer:

To abate the first half of taxes and accrued interest with recommendation that the application undertake certain steps to reduce expenses as identified by the Social Services Director.

Passed - Vote 7-0

RESOLVE RESCINDING ORDER ACCEPTING DONATION OF THE PROPERTY AT 35 ELLIS STREET REAR AND REQUESTING A RECOMMENDATION FROM THE PLANNING BOARD

VOTE (262-2015)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Resolve rescinding the Order accepting the donation of the property at 35 Ellis Street Rear and requesting a recommendation from the Planning Board:

Whereas, at its meeting of September 15, 2015, the City Council approved an Order, Accepting the Donation of the Property at 35 Ellis Street Rear; and

Whereas, City Ordinance requires that the City Council seek an opinion from the Planning Board in most instances before property is acquired or disposed of; and

Whereas, property acquisition orders are frequently conditioned upon a positive recommendation from the Planning Board; and

Whereas, the City Administrator failed to seek an opinion from the Planning Board or to include the standard conditional language in the acquisition order; and

Whereas, when informed of this error, the City Administrator stopped any further action on the acquisition pending a review and recommendation by the Planning Board; and

Whereas, the Planning Board discussed this at its September 28th meeting and recommended that the Council rescind its previous action to ensure that the correct procedure is followed by seeking an opinion from them in advance of final Council action;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the Council Order authorizing the City Administrator to execute the required documents to accept ownership of the parcel of vacant land located at 35 Ellis Street Rear is hereby rescinded.

Be It Further Resolved that the Planning Board is requested to review the potential acquisition of 35 Ellis Street and to provide its recommendation to the City Council.

Passed - Vote 7-0

EXECUTIVE SESSION TO DISCUSS DISPOSITION OF PROPERTY OF WHICH THE PREMATURE DISCLOSURE OF THE INFORMATION WOULD PREJUDICE THE

COMPETITIVE BARGAINING POSITION OF THE CITY

It was noted by city staff that this Executive Session is no longer needed at this time.

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF AUBURN FOR THE OPERATION OF GREAT FALLS TV

VOTE (263-2015)

Motion by Councilor Lachance, seconded by Councilor Cayer:

To approve the Order authorizing the City Administrator to execute an Interlocal Agreement with the City of Auburn for the operation of Great Falls TV:

Whereas the Auburn-Lewiston Cable TV Advisory Committee, a group of concerned citizens and elected/appointed officials representing a wide variety of community interests, assembled for the purpose of articulating a community vision for its public, educational, and government (PEG) cable television programming, has successfully operated our community PEG station with distinction for some fifteen years; and

Whereas the Lewiston and Auburn City Councils now believe the time has arrived to memorialize the commitment by both cities to the operations of the Great Falls TV local PEG cable station through the joint approval of an interlocal agreement, as stipulated in the Cable Television Ordinance approved by the Lewiston City Council on December 17, 1996; and

Whereas the joint budgeting process has revealed administrative issues which must be addressed so that the staffing, operations, financial obligations, and the administrative oversight of Great Falls TV are properly addressed to better ensure the long term stability and sustainability of our community PEG channel; and

Whereas the Cities of Lewiston and Auburn agree to formally authorize the assignment of all personnel and financial administration to the City of Auburn; to have the City of Auburn integrate Great Falls TV into its municipal operations; that the Cities of Lewiston and Auburn will equally share all assets owned and/or purchased by Great Falls TV; to continue to carry out the Cities' joint interest in maintaining Great Falls TV as a PEG cable station, which includes ensuring that the operational duties of Great Falls TV employees are consistent with the mission of a PEG cable station; and to assign responsibility to oversee the administration and operations of Great Falls TV to the City of Auburn subject to the programming and franchise agreement authority of the Auburn-Lewiston Cable TV Advisory Committee; and

Whereas, the final agreement was developed, reviewed, and agreed to by 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 an interlocal agreement for the operation of the Great Falls TV facility substantially in a form as attached hereto.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE RELOCATION OF THE GREAT FALLS TV FACILITY FROM CENTRAL MAINE COMMUNITY COLLEGE TO AUBURN HALL AND THE STUDIO FACILITY TO BE TEMPORARILY RELOCATED TO THE AUBURN LIBRARY

VOTE (264-2015)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Resolve authorizing the Relocation of the Great Falls TV Facility from Central Maine Community College to Auburn Hall and the Studio Facility to be temporarily relocated to the Auburn Library:

Whereas, the cities of Auburn and Lewiston have shared a joint local cable TV system located at Central Maine Community College for approximately twenty years; and

Whereas, the Central Maine Community College has given notice to both cities that our local TV operation, Great Falls TV, must vacate its space at the Central Maine Community College campus no later than October 15, 2015; and

Whereas, the City of Auburn has identified and agreed to provide accommodations for permanent broadcast and office facilities in Auburn Hall and temporary studio facilities in the Auburn Library;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the City of Auburn is authorized to use its resources to relocate the Great Falls TV broadcast and office facilities to Auburn Hall and the temporary studio facilities to the Auburn Library.

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Cloutier reminded everyone about the public meeting on Wednesday, October 21 regarding the site of the new elementary school. The meeting will be held in the high school gym and at 7:30pm will be a straw poll vote on the location.

OTHER BUSINESS

Councilor Libby noted October 15 is the effective date of new legislation that was approved during the 2015 Legislative Session. He stated one of the bills he sponsored was regarding abandoned property that is not maintained and providing more enforcement options for municipalities to address these issues. He requested workshop on this topic to establish the creation of a local ordinance for this issue. Councilor Cayer also noted there will be a workshop on the status of the Comprehensive Plan on November 10.

EXECUTIVE SESSION

VOTE (265-2015)

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 8:38pm and ended at 9:00pm.

VOTE (266-2015)

Motion by Councilor Bouchard, seconded by Councilor Dubois:

To adjourn at 9:00P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine