

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 20, 2016

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:15 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Golden, Bouchard, Cloutier, Beam and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (248-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

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 6:15pm and ended at 6:37pm.

VOTE (249-2016)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To enter into an Executive Session, pursuant to MRSA Title 1, Section 405 (6) (c), to discuss Disposition 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 6:37pm and ended at 6:58pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Golden, Bouchard, Cloutier, Beam and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR AND
ACCEPT A GRANT FROM THE JOHN T. GORMAN FOUNDATION – WORKFORCE
DEVELOPMENT INITIATIVE**

VOTE (250-2016)

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To approve the Order authorizing the City Administrator to Apply for and Accept a Grant from the John T. Gorman Foundation – Workforce Development Initiative:

Whereas, the City has been asked by the John T. Gorman Foundation to apply for a \$150,000 grant to support a workforce development initiative; and

Whereas, City staff have been working with representatives of the Foundation and Community Concepts on this initiative since February of this year; and

Whereas, the focus of this effort will be on supporting immigrant youth and veterans in being trained for and achieving employment in the building trades; and

Whereas, the grant is intended to supplement existing funding and programs such as those available from the State of Maine and Federal Workforce Development programs by covering costs associated with curriculum development, recruitment, assessment and referral, coaching, work clothing, daycare, and other related expenses; and

Whereas, the Foundation has asked that the City manage the grant and act as a pass through for grant funds in conjunction with the Foundation; and

Whereas, the Foundation has invested heavily in Lewiston over the last several years with a significant focus on helping families recover from the 2013 fires, combating childhood lead poisoning, and helping lower income children achieve and maintain better educational outcomes;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to apply for and accept a grant from the J.T. Gorman Foundation to support a workforce development initiative.

Passed - Vote 7-0

**RESOLVE SUPPORTING THE GOOD FOOD COUNCIL OF LEWISTON-AUBURN'S
LA COMMUNITY FOOD CHARTER**

VOTE (251-2016)

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To approve the Resolve supporting the Good Food Council of Lewiston-Auburn's LA Community Food Charter:

Whereas, the Lewiston Auburn Good Food Council has developed a Community Food Charter that outlines a 5 element policy that promotes healthy food; and

Whereas, these policy statements cover food security, sustainable agriculture, leadership, elevating good food policy, and supporting working landscapes and the development of community infrastructure; and

Whereas, since the Charter was proposed in June, numerous individuals and businesses have signed on as supporters; and

Whereas, the Council is asking the cities of Lewiston and Auburn to adopt and support the Good Food Charter as a policy statement;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that we hereby support the Good Food Council of Lewiston-Auburn's LA Community Food Charter and its policies promoting healthy food.

Passed - Vote 7-0

ORDER AMENDING THE PREVIOUSLY ADOPTED ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME COUNCIL #93) LOCAL 3855-00 ON BEHALF OF THE LEWISTON PROFESSIONAL TECHNICAL UNIT

VOTE (252-2016)

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To approve the Order amending the Previously Adopted Order authorizing the City Administrator to execute a Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 3855-00 on behalf of the Lewiston Professional Technical Unit:

Whereas, at the meeting of September 6, 2016, the City Council adopted an Order authorizing a collective bargaining agreement with the AFSCME Professional Technical Unit; and

Whereas, that order included, by reference, contractual terms and conditions outlined in an attached memorandum; and

Whereas, that memorandum included an error involving the Cost of Living increases and the number of cell phone stipends called for in the bargaining agreement; and

Whereas, this order will correct that error by reflecting the actual terms and conditions agreed to by the parties;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the previously adopted order authorizing a collective bargaining agreement with the AFSCME Professional Technical Unit adopted on September 6, 2016 is hereby amended by replacing the memorandum included in that order by reference with the attached, corrected version.

Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING REGULATIONS OF PARKING TIMES FOR A PORTION OF GREEN STREET

VOTE (253-2016)

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To adopt the proposed amendments to the Traffic Schedule regarding the regulations of parking times for a portion of Green Street, as proposed by the Lewiston Police Department.

Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM DANA’S GARAGE, 193 CROWLEY ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

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

VOTE (254-2016)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

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 ON AN APPLICATION FROM MAINE HEAVY EQUIPMENT RENTAL, 1445 SABATTUS STREET, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

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

VOTE (255-2016)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

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

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

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

VOTE (256-2016)

Motion by Councilor Lachance, seconded by Councilor Cloutier:

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 ON AN APPLICATION FROM LEWISTON PUBLIC WORKS DEPARTMENT, 424-482 RIVER ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

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

VOTE (257-2016)

Motion by Councilor Lysen, seconded by Councilor Golden:

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

PUBLIC HEARING ON AN APPLICATION FROM REENERGY LEWISTON, LLC, 38 ALFRED A. PLOURDE PARKWAY, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

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

VOTE (258-2016)

Motion by Councilor Lajoie, seconded by Councilor Bouchard:

To grant an Automobile Graveyard/Junkyard permit to ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway. 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 hearing for citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (259-2016)

Motion by Councilor Lachance, seconded by Councilor Lajoie:

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

**PUBLIC HEARING AND FINAL PASSAGE FOR THE CONDITIONAL REZONING OF
THE PROPERTY AT 117 WEBSTER STREET FROM THE NEIGHBORHOOD
CONSERVATION “A” (NCA) DISTRICT TO THE DOWNTOWN
RESIDENTIAL (DR) DISTRICT**

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

VOTE (260-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve Final Passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 117 Webster Street from the Neighborhood Conservation “A” (NCA) District to the Downtown Residential (DR) District, subject to a conditional agreement. Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
32 HORTON 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.

Mayor Macdonald opened the hearing for citizen input and comment. Rick Lockwood of Investment Properties, LLC stated he owns the building. He stated his attorney could not be present this evening. He stated there was water damage in the building before February 2016 but since there is no electrical service and no running water, it is not an unsafe structure. He is waiting for a settlement from the insurance company and will rebuilding the apartment building when he receives the settlement. The Mayor then closed the hearing.

VOTE (261-2016)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To move the Previous Question. Passed - Vote 7-0

VOTE (262-2016)

Motion by Councilor Cloutier, seconded by Councilor Lajoie:

With regard to the property at 32 Horton 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)

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
24 LEMONT AVENUE**

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. Owners of the property were not present at the meeting.

VOTE (263-2016)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

With regard to the property at 24 Lemont Avenue, to adopt the Findings of Fact, Conclusions of Law and Order of Rehabilitation or 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, but to not record the Order as long as the property is renovated and repaired by next summer, to the satisfaction of the City's Code Enforcement staff. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST ADOPTION OF AMENDMENTS TO THE
GENERAL ASSISTANCE POLICY**

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

VOTE (264-2016)

Motion by Councilor Cloutier, seconded by Councilor Golden:

That the overall maximum amounts allowed for general assistance and the maximum amounts allowed for food, housing, personal/household supplies, diapers and personal supplies for children, utilities/electricity and heating fuel in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended and adopted in accordance with HUD guidelines and the current Thrifty Food Plan.
Passed - Vote 6-1 (Councilor Lajoie opposed)

**ORDER AUTHORIZING THE ISSUANCE OF UP TO \$132,000 IN COMMERCIAL
PROGRAM FUNDING TO THE YWCA FOR REPAIR OF THE ROOF ON THEIR
130 EAST AVENUE FACILITY**

VOTE (265-2016)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

To approve the Order authorizing the issuance of up to \$132,000 in Commercial Program Funding to the YWCA for repair of the roof on their 130 East Avenue facility:

Whereas, the YWCA is a public facility that provides recreation, daycare services, and education to residents of Lewiston; and

Whereas, the roof over different portions of their facility at 130 East Ave in Lewiston varies between 30 and 45 years in age; and

Whereas, the roof leaks in multiple places in every portion of the building, requiring frequent replacing of ceiling tiles and has rendered a portion of the building unusable for occupancy; and

Whereas, a 2015 Property Condition Assessment conducted by Cordjia Capital Projects Group determined that structural damage to the facility had not yet occurred but was likely if the roof was not repaired; and

Whereas, the YWCA has requested up to \$132,000 in funding from Lewiston’s Commercial Revolving Loan Program to pay for those repairs; and

Whereas, 50% of those funds would be provided as a grant and 50% as a loan at 3% interest for a 10 year term, which will be structured as a soft loan with interest accruing but no payments due until the YWCA completes expansion of its daycare program or after 3 years, whichever comes first; and

Whereas, while the YWCA does not meet all of the criteria of the Revolving Loan Program (in that they are not privately owned, a tax paying entity, and won’t provide a 1:1 match on the funds provided by the city); it is recognized as a public facility that provides recreation, educational, daycare and employment opportunities for residents;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that Lewiston’s Loan Qualification Committee is authorized to provide up to \$132,000 in funding from the Revolving Loan Program, with 50% as a grant and 50% as a loan accruing interest at 3% but with payments deferred until the YWCA completes expansion of its daycare program or after 3 years, whichever comes first, to assist the YWCA in repairing the roof of its facility.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A DONATION AGREEMENT BETWEEN THE CITY OF LEWISTON AND BROOKFIELD WHITE PINE HYDRO LLC – LEWISTON CANAL SYSTEM

VOTE (266-2016)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To approve the Order authorizing the City Administrator to Execute a donation agreement between the City of Lewiston and Brookfield White Pine Hydro LLC – Lewiston Canal System:

Whereas, the City has been involved in a multi-year effort to acquire ownership of the Lewiston Canal System and associated facilities for the purpose of improving the aesthetics and supporting economic development in the Riverfront Island area; and

Whereas, the goal of achieving control over the canal system is recognized and endorsed by the City’s adopted Riverfront Island Masterplan; and

Whereas, over this many year period, potential terms and conditions of an agreement have varied as numerous issues and complications have arisen; and

Whereas, approval of this donation agreement will move the City closer to its goal of acquiring the canal system while preserving the City’s rights and minimizing its expenses;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a donation agreement between the City of Lewiston and Brookfield White Pine Hydro LLC regarding the Lewiston Canal System in a form substantially as attached hereto.

Passed - Vote 7-0

UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

No reports or updates were presented at this time.

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 (267-2016)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

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 8:35pm and ended at 8:59pm.

VOTE (268-2016)

Motion by Councilor Lajoie, seconded by Councilor Bouchard:

To adjourn at 8:59P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine