

**CITY OF LEWISTON**

**CITY COUNCIL**

**FEBRUARY 21, 2017**

**REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 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 (42-2017)**

Motion by Councilor Lysen, seconded by Councilor Lachance:

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 6:00pm and ended at 6:09pm.

**VOTE (43-2017)**

Motion by Councilor Lachance, seconded by Councilor Lysen:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.  
Passed - Vote 7-0

Executive Session began at 6:09pm and ended at 6:34pm.

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.

**UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL**

LYAC Chairperson Jazy Dumais updated the Council on their T.A.L.K. (Treating all Listeners Kindly) workshop that will be held at the YMCA on March 9 at 6:30pm.

**PUBLIC COMMENT PERIOD**

Senator Nathan Libby addressed the Council on behalf of residents at Oak Park. He noted the residents are respectfully requesting a cross walk between Oak Park and the parking garage.

They feel it would be safer to cross the street in a crosswalk. They also requested a speed bump in the area to slow down traffic. And they noted that when the buses park on Bates Street, it limits the line of site at the Oak St/Bates St intersection and they do not feel it is safe. They also requested to have an empty police cruiser parked there occasionally to also slow down traffic. And they requested that volunteers from the LA Cash Coalition go there to assist the residents with free help in filing their income tax returns.

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 11 JAN'S BOULEVARD**

**VOTE (44-2017)**

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 11 Jan's Boulevard:

Whereas, the owners, Bruce E. and Deborah J. Kobel, failed to pay their utility bills on a timely basis for 11 Jan's Boulevard (Tax Map 149, Lot 148, Parcel 00-011333); and

Whereas, a water lien was filed on August 29, 2013 (Book 8760 Page 164) and matured on February 28, 2015 in the amount of \$173.54; and

Whereas, a water lien was filed on June 19, 2014 (Book 8936 Page 207) and matured on December 19, 2015 in the amount of \$198.44; and

Whereas, a sewer lien was filed on August 29, 2013 (Book 8760 Page 274) and matured on February 28, 2015 in the amount of \$147.54; and

Whereas, a sewer lien was filed on June 19, 2014 (Book 8936 Page 119) and matured on December 19, 2015 in the amount of \$160.87; and

Whereas, a stormwater lien was filed on December 6, 2013 (Book 8830 Page 158) and matured on June 7, 2015 in the amount of \$103.76; and

Whereas, payment was received in full;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that a quitclaim deed is hereby authorized to release the City's interest in the property located at 11 Jan's Boulevard to the new owner.

Passed - Vote 7-0

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 159 HIGHLAND AVENUE**

**VOTE (45-2017)**

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 159 Highland Avenue:

Whereas, the owner, Hugh M. Butler III, failed to pay his utility bills on a timely basis for 159 Highland Avenue (Tax Map 148, Lot 99, Parcel 00-006949); and

Whereas, a water lien was filed on August 29, 2013 (Book 8760 Page 137) and matured on February 28, 2015 in the amount of \$182.46; and

Whereas, a water lien was filed on June 19, 2014 (Book 8936 Page 184) and matured on December 19, 2015 in the amount of \$169.73; and

Whereas, a sewer lien was filed on August 29, 2013 (Book 8760 Page 242) and matured on February 28, 2015 in the amount of \$243.64; and

Whereas, a sewer lien was filed on June 19, 2014 (Book 8936 Page 97) and matured on December 19, 2015 in the amount of \$286.34; and

Whereas, payment was received in full;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that a quitclaim deed is hereby authorized to release the City's interest in the property located at 159 Highland Avenue to the new owner.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO SELL THE PROPERTY  
AT 28 WAKEFIELD STREET**

**VOTE (46-2017)**

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To approve the Order authorizing the City Administrator to sell the property at 28 Wakefield Street:

Whereas, the City condemned and demolished the property at 28 Wakefield after it was abandoned and the mortgage was dismissed by the bank; and

Whereas, tax liens have now matured on that property; and

Whereas, a new owner recently purchased the adjacent property at 22 Wakefield Street only to subsequently discover that, prior to his ownership, it had been illegally converted from a four to a five unit building; and

Whereas, since then, the City has worked with the new owner in an effort to address this problem, including a recent zoning and land use code amendment to the neighborhood

conservation B district to partially address minimum lot size per unit; and

Whereas, even with this change, the property at 22 Wakefield is not large enough to provide the required parking; and

Whereas, the owner of 22 Wakefield has expressed an interest in purchasing the property at 28 Wakefield to provide the necessary parking; and

Whereas, this would bring the property into conformity with the City's land development code;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the City Administrator is hereby authorized to sell the property at 28 Wakefield Street to Kevin and Erika Frisbie for \$10,000 with the proceeds to be used first to reimburse the General Fund for any taxes and interest due and, second, to reimburse the City's demolition account for a portion of the costs associated with demolishing the condemned structure previously on this property.

Passed - Vote 7-0

**RESOLVE TAKING POSSESSION OF TAX ACQUIRED PROPERTIES AT 320 BATES STREET, 159 PINE STREET, 91 PINE STREET, 10 NOMAR COURT, 5 PETER BOULEVARD, 67 OAK STREET AND 17 HOLLY STREET**

**VOTE (47-2017)**

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To approve the Resolve taking possession of Tax Acquired Properties at 320 Bates Street, 159 Pine Street, 91 Pine Street, 10 Nomar Court, 5 Peter Boulevard, 67 Oak Street and 17 Holly Street:

Whereas, staff has recently undertaken a review of properties on which tax liens have matured; and

Whereas, among such properties are seven vacant parcels of land; and

Whereas, City staff have made numerous attempts to contact the owners through the normal collection and tax lien process and in accordance with City Policy #92, Properties with Matured Tax or Sewer Liens; and

Whereas, in spite of these additional 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 consider their future use and/or disposition;

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 following properties: 320 Bates, 159 Pine, 91 Pine, 10 Nomar Court, 5 Peter Boulevard, 67 Oak, and 17 Holly Street; and

Be it Further Ordered, that subject to a positive recommendation from the Planning Board, the properties be offered for sale through a formal sealed bid process.

Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (48-2017)**

Motion by Councilor Cloutier, seconded by Councilor Lachance:

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 \$4,991.00, or any portion thereof, in the case of the State of Maine vs. Joseph Willis, CR-17-363 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the ‘City of Lewiston Drug Enforcement Program’ account.

Passed - Vote 7-0

**PUBLIC HEARING ON A NEW APPLICATION FOR A NEW LIQUOR LICENSE FOR WEBSTER STREET CONVENIENCE & DELI, 715 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 (49-2017)**

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To authorize the City Clerk’s Office to approve a new liquor license application for Webster Street Convenience & Deli, 715 Webster Street. Passed – Vote 7-0

**PUBLIC HEARING & FIRST PASSAGE REGARDING AN AMENDMENT TO THE ADMINISTRATIVE ORDINANCE REGARDING FIRE DEPARTMENT STAFFING**

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 (50-2017)**

Motion by Councilor Lachance, seconded by Councilor Bouchard:

That the proposed amendment to the City Code of Ordinance, Chapter 2 “Administration”, Division 5, “Department of Fire”, receive first passage by a roll call vote and that the public hearing on this matter be continued to the next regularly scheduled City Council meeting for final passage. Passed - Vote 7-0

**PUBLIC HEARING & FIRST PASSAGE FOR A MORATORIUM ORDINANCE  
REGARDING LODGING HOUSES IN THE NEIGHBORHOOD CONSERVATION  
“B” DISTRICT**

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. Citing a conflict of interest regarding her employer, Councilor Cloutier recused herself from this item.

**VOTE (51-2017)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

That the proposed Moratorium Ordinance regarding Lodging Housing in the Neighborhood Conservation “B” District, to be effective retroactively to February 14, 2017, 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 for final passage. Passed - Vote 7-0 (Note – Under the City Charter, the Mayor is permitted to cast a vote in the absence of a City Councilor.)

**RECEIPT OF RECOMMENDATIONS FROM THE FINANCE COMMITTEE AND  
THE PLANNING BOARD ON THE FY2018 LEWISTON CAPITAL  
IMPROVEMENT PROGRAM**

Robert Reed, chairperson of the City’s Finance Committee, offered their budget recommendations, and those items included – being aware of the changes in the State budget and the need to keep the local budget tight; keep selling surplus real estate, looking at surplus accounts; needing 8% in reserves which equals one month of expenditures, being weary of bonding items such as a parking garage that we cannot afford while our roads are falling apart. He urged the Council to be fiscally prudent and to watch the LCIP items carefully.

**VOTE (52-2017)**

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To receive and review the recommendations from the Finance Committee and the Planning Board regarding the FY18 Lewiston Capital Improvement Plan. Passed - Vote 7-0

**RESOLVE REGARDING THE ADOPTION OF THE FISCAL YEAR 2018 CITY OF  
LEWISTON FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM**

**VOTE (53-2017)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

That pursuant to Article VI, Section 6.07 (d) of the City Charter, the City Council hereby approves the Resolve adopting the FY2018 City of Lewiston Five-Year Capital Improvement Program, as prepared by the City Administrator:

Whereas, the City Charter requires that a capital improvement program be prepared annually for review by the Planning Board, Finance Committee, and City Council, and be adopted by the City Council at least four months prior to the end of the current fiscal year; and

Whereas, the intent of such a program is to outline a five year plan to address the community's infrastructure and other capital improvement needs and, more specifically, to outline those projects anticipated for the coming year in advance of consideration of the annual budget; and

Whereas, adopting this plan will provide guidance to the Council and staff but does not constitute formal authorization to proceed with the projects included, the funding for which must be separately authorized by the City Council;

Now, therefore, be It Resolved by the City Council of the City of Lewiston, that the FY2018 City of Lewiston Five-Year Capital Improvement Program is hereby adopted.

Passed - Vote 7-0

**ORDER AUTHORIZING AN AMENDMENT TO THE JOINT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LEWISTON AND THE HARTLEY BLOCK, LP**

Amy Kidler is the Development Officer of The Szanton Company and she clarified this development is for affordable housing and not subsidized housing.

**VOTE (54-2017)**

Motion by Councilor Golden, seconded by Councilor Lysen:

To approve the Order authorizing an amendment to the Joint Development Agreement between the City of Lewiston and The Hartley Block, LP:

Whereas, in June 2016, the City of Lewiston entered into a Joint Development Agreement with the Hartley Block, LP for the construction of 41 affordable one, two, and three bedroom housing units, 22 market rate units, and approximately 4,100 square feet of retail/commercial space to be constructed on Lisbon Street; and

Whereas, the original Joint Development Agreement and overall project financials were based on the then market rate of Low Income Tax Credits at 98 cents on the dollar; and

Whereas, since then, the likelihood of changes in the federal corporate tax structure have resulted in a reduction in this market rate to 87 cents; and

Whereas, as a result, the developer is working to address an \$870,000 shortfall in project financing; and

Whereas, in addition to reducing the developer fee, the developer has received or is seeking assistance from all project stakeholders including the owner of a portion of the property on which the project will be built, the Tax Credit syndicator, and Maine Housing; and

Whereas, the developer is also seeking participation from the 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 amendment to the Joint Development Agreement between the City and the Hartley Block, LLC to assist the developer in addressing the shortfall in project financing by providing a 30-year zero percent loan for up to \$230,000 from the fund for Affordable Housing created by repayments from the Lewiston Housing Authority on a loan from the City supporting creation of the B Street Community Center.

Passed - Vote 6-1 (Councilor Lachance opposed)

**RESOLVE CALLING UPON THE LAKE AUBURN WATERSHED PROTECTION  
COMMISSION TO SCHEDULE ITS MEETINGS AT A TIME AND PLACE  
CONVENIENT TO THE PUBLIC**

**VOTE (55-2017)**

Motion by Councilor Lajoie, seconded by Councilor Lachance:

To approve the Resolve calling upon the Lake Auburn Watershed Protection Commission to schedule its meetings at a time and place convenient to the public:

Whereas, the Lake Auburn Watershed Protection Commission is charged with the essential task of protecting the water quality of Lake Auburn; and

Whereas, the members of this Commission represent Auburn and Lewiston as well as other communities within the lake's watershed; and

Whereas, the Commission now schedules its meetings at 3:30 pm on Wednesdays at the Androscoggin Valley Council of Governments' Office in Auburn; and

Whereas, the day and time of the meeting is inconvenient for interested residents who work during the day or who are regularly out of town on weekdays; and

Whereas, holding all meetings in Auburn adds to the inconvenience for residents of other watershed communities; and

Whereas, these concerns have been brought to the attention of the Commissioners who have voted to maintain the current meeting time, date, and location to the inconvenience of others;

Now, therefore, be it resolved by the City Council of the City of Lewiston that we call upon the Lake Auburn Watershed Protection Commissioners to adopt a meeting schedule and locations convenient to the general public, particularly those who currently are required to be at work at the time the Commission meets. More specifically, we call on them to move the bi-monthly meetings to a time after 5 pm and to rotate meeting locations between Lewiston City Hall and Auburn City Hall.

Passed - Vote 7-0

**UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE**

Councilor Cloutier reported that their past two meetings have been canceled due to snow storms but they are hoping to reschedule those soon.

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

No other business was presented at this time.

**VOTE (56-2017)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To adjourn at 7:30P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine