

CITY OF LEWISTON

CITY COUNCIL

APRIL 4, 2017

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

THE HONORABLE COUNCIL PRESIDENT CLOUTIER, PRESIDING.

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

Since the budget workshop session ended early, the Council took up agenda item 19 at this time.

EXECUTIVE SESSION

VOTE (76-2017)

Motion by Councilor Lysen, 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 International Association of Firefighters, Local 785.

Passed - Vote 7-0

Executive Session began at 6:15pm and ended at 7:03pm.

At 7:03pm, the City Council started their regular public session.

Pledge of Allegiance to the Flag.

Moment of Silence.

PUBLIC COMMENT PERIOD

Robert Reed of 58 Albert Street encouraged members of the public to attend a cleanup of Sunnyside Park on Saturday, April 22 from 10am – 1pm. He said this will be the preparation work for the creation of a memorial garden in memory of Jayden Cho-Sargent, a middle school student who was recently killed on his walk to school.

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 170 FERRY ROAD

VOTE (77-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To approve the Order authorizing execution of a municipal quit claim deed for real estate located at 170 Ferry Road:

Whereas, the owners, William H. Hall and Michael C. Lemieux, failed to pay their storm water

bill on a timely basis for 170 Ferry Road (Tax Map 100, Lot 009, Parcel 00-020124); and

Whereas, a storm water lien was filed on December 6, 2013 (Book 8830 Page 175) 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 170 Ferry Road to the owner.

Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 17 HOLLY STREET

VOTE (78-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 17 Holly Street:

Whereas, the owners, Daniel R. and Melissa M. Bisson, failed to pay their tax bills on a timely basis for 17 Holly Street (Tax Map 150, Lot 074, Parcel 00-008601); and

Whereas, a tax lien was filed on June 19, 2013 (Book 8699 Page 76) and matured on December 19, 2014 in the amount of \$121.73; and

Whereas, a tax lien was filed on June 18, 2014 (Book 8933 Page 311) and matured on December 18, 2015 in the amount of \$136.22; and

Whereas, a tax lien was filed on June 23, 2015 (Book 9164 Page 137) and matured on December 23, 2016 in the amount of \$139.98; 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 17 Holly Street to the owner.

Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 15 TAMPA STREET

VOTE (79-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 15 Tampa Street:

Whereas, the owner, Ashley Collins, failed to pay her utility bills on a timely basis for 15 Tampa Street (Tax Map 174, Lot 423, Parcel 00-008808); and

Whereas, a water lien was filed on August 29, 2013 (Book 8760 Page 106) and matured on February 28, 2015 in the amount of \$176.60; and

Whereas, a water lien was filed on June 19, 2014 (Book 8936 Page 158) and matured on December 19, 2015 in the amount of \$192.69; and

Whereas, a sewer lien was filed on August 29, 2013 (Book 8760 Page 210) and matured on February 28, 2015 in the amount of \$149.49; and

Whereas, a sewer lien was filed on June 19, 2014 (Book 8936 Page 64) and matured on December 19, 2015 in the amount of \$159.65; and

Whereas, a storm water lien was filed on December 6, 2013 (Book 8830 Page 97) and matured on June 7, 2015 in the amount of \$124.22; and

Whereas, a storm water lien was filed on June 19, 2014 (Book 8936 Page 247) and matured on December 19, 2015 in the amount of \$104.46; 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 15 Tampa Street to the new owner.

Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (80-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

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 \$640.00, or any portion thereof, in the case of the State of Maine vs. Elizabeth Lothrop, CR-16-4190 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

**AMENDMENT TO THE TRAFFIC SCHEDULE TO ADD A YIELD SIGN
AT PEARL STREET**

VOTE (81-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To approve the amendments to the Traffic Schedule to add a yield sign at Pearl Street at the intersection of Malo Street. Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING FIRE LANES
ON BATES STREET**

VOTE (82-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To approve the amendment to the Traffic Schedule to designate fire lanes on a portion of Bates Street. Passed – Vote 7-0

BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2018 BUDGET

Council President Cloutier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Council President then closed the hearing.

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR BEAR BONES, INC.,
43 LISBON STREET**

Council President Cloutier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Council President then closed the hearing.

VOTE (83-2017)

Motion by Councilor Lysen, seconded by Councilor Golden:

To grant a Special Amusement permit for live entertainment to Bear Bones, Inc., 43 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR LITTLE JOE’S BAR &
GRILL, 740 SABATTUS STREET**

Council President Cloutier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Council President then closed the hearing.

VOTE (84-2017)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To grant a Special Amusement permit for live entertainment to Little Joe’s Bar & Grill, 740 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE ON AMENDMENTS TO THE TRAFFIC AND VEHICLES ORDINANCE REGARDING HABITUAL PARKING VIOLATORS

Council President Cloutier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Council President then closed the hearing. The Police Chief noted that since the parking fines have increased, the police are now finding that some vehicles need to be towed with only having two outstanding tickets, so they are asking to have the threshold for the “scofflaw” amount increased.

VOTE (85-2017)

Motion by Councilor Lajoie, seconded by Councilor Bouchard:

That the proposed amendment to the City Code of Ordinances, Chapter 70 “Traffic and Vehicles”, Section 70-20 “Same – Definitions” receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE ON AMENDMENTS TO THE CONDITIONAL REZONING AGREEMENT FOR THE PROPERTY AT 170 SUMMER STREET

Council President Cloutier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Council President then closed the hearing. Councilor Lysen inquired about sidewalk maintenance and the City Administrator noted that \$300,000 has been included in the budget to address city sidewalk maintenance issues.

VOTE (86-2017)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To approve first passage for the amendment to the conditional rezoning agreement for 170 Summer Street, to conditionally rezone the property, subject to the conditions defined in the rezoning agreement, and to continue the hearing on this rezoning to the next regular City Council meeting for final passage. Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED TRANSFERRING A PORTION OF THE CITY’S FRANKLIN PASTURE PROPERTY TO THE MAINE DEPARTMENT OF TRANSPORTATION TO ALLOW FOR THE WIDENING OF BARTLETT STREET TO ALLOW FOR THE CONSTRUCTION OF AN ACCESS ROAD TO THE PROPOSED NEW ELEMENTARY SCHOOL

Councilor Lachance asked for a staff update on this project and the City Administrator provided background information on this project regarding the proposed timeline and other items.

VOTE (87-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To approve the Order authorizing execution of a municipal quitclaim deed transferring a portion of the City's Franklin Pasture Property to the Maine Department of Transportation to allow for the widening of Bartlett Street to allow for the construction of an access road to the proposed new elementary school:

Whereas, the Lewiston School Department is planning to construct a new elementary school on the City's property known as Franklin Pasture and located at 45 Birch Street, 156 East Avenue and 400 Bartlett Street ("Franklin Pasture"); and

Whereas, as part of the permit requirements for the construction of the entrance to the new elementary school from Bartlett Street and because Bartlett Street is a state aid highway, the City is required to transfer a strip of land adjacent to the proposed entrance to the State of Maine; and

Whereas, the Planning Board has recommended that the City permanently transfer this property to the State of Maine for the purpose of widening Bartlett Street, as shown on the "Bartlett Street Off-Site Layout Plan," Sheet C100.1, dated 02-03-17, presented to the Planning Board, pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code, and has required that the City transfer the property prior to obtaining any building permits or initiating construction activity;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute and deliver a quitclaim deed, in the form required by the Maine Department of Transportation, to release the City's interest in a portion of the Franklin Pasture property, such transfer required to allow for the construction of an access drive to the site of the proposed new school.

Passed - Vote 7-0

**ORDER AUTHORIZING EXECUTION OF A DECLARATION OF RESTRICTIONS
REQUIRED BY THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
TO PROTECT VARIOUS STREAMS LOCATED ON FRANKLIN PASTURE AND IN
CONNECTION WITH THE PERMITS NECESSARY FOR CONSTRUCTING A NEW
ELEMENTARY SCHOOL UNDER THE MAINE SITE LOCATION OF
DEVELOPMENT AND NATURAL RESOURCES PROTECTION ACTS**

VOTE (88-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To approve the Order authorizing execution of a Declaration of Restrictions required by the Maine Department of Environmental Protection to protect various streams located on Franklin Pasture and in connection with the permits necessary for constructing a new elementary school under the Maine Site Location of Development and Natural Resource Protection Act:

Whereas, the Lewiston School Department is planning to construct a new elementary school on the City's property known as Franklin Pasture and located at 45 Birch Street, 156 East Avenue

and 400 Bartlett Street (“Franklin Pasture”); and

Whereas, as part of the City’s February 27, 2017 Site Location of Development Act and Natural Resource Protection Act permit required for the construction of the new elementary school, the Maine Department of Environmental Protection has required that the City record a declaration of restrictions to protect in perpetuity certain streams located on the Franklin Pasture property; and

Whereas, the Planning Board has recommended that the City permanently restrict the Franklin Pasture property, as provided in the declaration of restrictions required by the Maine Department of Environmental Protection, pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute and deliver the required declaration of restrictions to restrict the use of a portion of the Franklin Pasture property in order to protect certain streams, such declaration to be in the form required by the Maine Department of Environmental Protection.

Passed - Vote 7-0

**APPOINTMENT OF DENIS D’AUTEUIL TO THE LEWISTON AUBURN
TRANSIT COMMITTEE**

VOTE (89-2017)

Motion by Councilor Bouchard, seconded by Councilor Lajoie:

To appoint Denis D’Auteuil to the Lewiston Auburn Transit Committee to fill the position currently held by Phil Nadeau, effective upon Phil Nadeau’s resignation from the Committee.

Passed - Vote 7-0

UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

Councilor Cloutier reported the School Committee is in the middle of budget deliberations.

REPORTS AND UPDATES

Councilor Lachance reported that during the recent Finance Committee meeting, various road projects were approved, including the renovation for Willow Circle. He noted the residents have been having issues with this road surface for years and he is pleased the City can finally address it for them.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (90-2017)

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 7:35pm and ended at 7:56pm.

VOTE (91-2017)

Motion by Councilor Lajoie, seconded by Councilor Bouchard:

To adjourn at 7:56 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine