

CITY OF LEWISTON

CITY COUNCIL

APRIL 18, 2017

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

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

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

Pledge of Allegiance to the Flag.

Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Jazy Dumais, president of the LYAC, stated they are working on a new program called T.A.L.K. – Treat All Listeners Kindly. They are hoping it will enhance positive communication in the entire community. They are also working on an art project with the T.A.L.K. theme. They will be accepting applications for the 2017-2018 LYAC soon.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 19 WINN STREET

VOTE (92-2017)

Motion by Councilor Bouchard, seconded by Councilor Lachance:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 19 Winn Street:

Whereas, the owners, Katherine E. Williams and Elizabeth Hewes, failed to pay their bills on a timely basis for 19 Winn Street (Tax Map 125, Lot 021, Parcel 00-000254); and

Whereas, a tax lien was filed on June 23, 2013 (Book 9165 Page 257) and matured on December 23, 2016 in the amount of \$1,034.55; and

Whereas, a storm water lien was filed on December 6, 2013 (Book 8830 Page 288) 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 19 Winn Street to the owner.

Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (93-2017)

Motion by Councilor Bouchard, 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 items as outlined on the attached listing, less administrative fees or any portion thereof, in the cases of the US Department of Justice Drug Enforcement Administration vs. the cases outlined on the attached listing. Being funds forfeited pursuant to 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 APPLICATIONS FOR A NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR RAILS, LLC, 103 LINCOLN STREET

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

VOTE (94-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To authorize the City Clerk's Office to approve a new liquor license and special amusement permit for Rails, LLC, 103 Lincoln Street. Passed - Vote 7-0

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

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing. City Planner David Hediger provided a brief background for the Council regarding this project.

VOTE (95-2017)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To approve final 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. Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 1 “DOCKET NO. CWA-AO-R01-FY17-08 FINDINGS OF VIOLATION AND ORDER FOR COMPLIANCE OF CONSENT”

VOTE (96-2017)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to sign the United States Environmental Protection Agency Region 1 “DOCKET NO. CWA-AO-R01-FY17-08 FINDINGS OF VIOLATION AND ORDER FOR COMPLIANCE ON CONSENT” :

Whereas, EPA Region 1 conducted a Sanitary Sewer Overflow (Sewer Collection System) audit of Lewiston’s sanitary sewer collection system on October 27-28, 2015; and

Whereas, EPA Region 1 issued a Section 308 Request for Information on October 31, 2016 citing a February 1, 2016 audit report that had not been previously provided to the City; and

Whereas, the City responded to the EPA 308 Request for Information on December 14, 2016; and

Whereas, EPA issued a “DOCKET NO. CWA-AO-R01-FY17-08 FINDINGS OF VIOLATION AND ORDER FOR COMPLIANCE ON CONSENT;” and

Whereas, the Order for Compliance on Consent included no monetary penalties as a result of the City’s history of working well to address environmental issues with the sanitary sewer system; and

Whereas, the Order for Compliance on Consent identifies actions and reporting the City must undertake to comply with the order; and

Whereas, attorneys for the City and EPA Region 1 negotiated a reasonable and achievable Order for Compliance on Consent;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator or his designated representative is authorized to sign the United States Environmental Protection Agency Region 1 “DOCKET NO. CWA-AO-R01-FY17-08 FINDINGS OF VIOLATION AND ORDER FOR COMPLIANCE ON CONSENT” in a form substantially as attached hereto.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE TRANSFER OF \$103,000 FROM THE 2017 LIONEL POTVIN PARK PLAYGROUND EQUIPMENT BOND ISSUE TO THE LAND AND WATER CONSERVATION FUND PROPERTY REPLACEMENT PROJECT ACQUISITION FUND ACCOUNT

VOTE (97-2017)

Motion by Councilor Lysen, seconded by Councilor Lachance:

To approve the Resolve authorizing the Transfer of \$103,000 from the 2017 Lionel Potvin Park Playground Equipment Bond Issue to the Land and Water Conservation Fund Property Replacement Project Acquisition Fund Account:

Whereas, on May 17, 2016, the City Council approved the 2017 Lewiston Capital Improvement Program, which included \$103,000 to fund the Lionel Potvin Park playground equipment purchase; and

Whereas, project funds were also requested and approved from the City’s Community Development Block Grant Funds; and

Whereas, the Lionel Potvin Park playground equipment purchase has been completed and the bond funds are no longer needed for this purpose; and

Whereas, the City is in the process of seeking approval from the National Park Service to substitute certain properties for those that are restricted by grant agreements for open space and recreation, and which either are or shortly will no longer be available for those purposes; and

Whereas, this includes the property on which the new elementary school will be built as well as a former park located on Lincoln Street near Cedar that no longer exists; and

Whereas, potential replacement properties have been identified, including Druin Field and the recently purchased former Hudson Bus property, but additional parcels are required and two are under consideration – City owned properties on Cote Street and a parcel near Webster/Plourde; and

Whereas, the City must develop recreational plans, including a conceptual site plan, for these properties showing the improvements to be made; and

Whereas, it is appropriate to use a portion of these unused bond funds to develop recreation plans for these two parcels with the balance available to begin to implement these plans;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that \$103,000 is hereby transferred from the 2017 Lionel Potvin Park Playground Equipment Bond Issue to the Land and Water Conservation Fund Property Replacement Project Acquisition Fund Account.

Passed – Vote 7-0

**BUDGET RECOMMENDATION FROM THE FINANCE COMMITTEE REGARDING
PROPOSED FISCAL YEAR 2018 MUNICIPAL BUDGET**

Robert Reed, chairperson of the Finance Committee, presented the budget recommendation on behalf of the Committee. He commented on the following: LCIP funding, many citizens are on a limited income, the Committee recognizes the efforts of city staff and Council to hold the

reserves, they appreciate the work by Administration regarding their efforts to expand the Code Enforcement staff to address the issue of the old housing stock within the City, and they recognize that creating a city budget while the state budget is in flux is difficult at best. He also noted the upcoming retirement of Purchasing and Budget Director Norm Beauparlant, who has served as the staff liaison to the Finance Committee for many years.

UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

Councilor Cloutier reported that the School Committee held a budget workshop earlier this week and they are continuing their work to review the budget.

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 (98-2017)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To enter into an Executive Session pursuant to MRS A Title 1, Section 405 (6) (E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Executive Session began at 7:21pm and ended at 7:59pm.

VOTE (99-2017)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

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

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine