

CITY OF LEWISTON

CITY COUNCIL

JANUARY 9, 2018

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:45 P.M.

THE HONORABLE SHANE D. BOUCHARD, MAYOR, PRESIDING.

PRESENT: Mayor Bouchard, Councilors Lysen, Pettengill, Rea, Lajoie, Cloutier, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (1-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (A) to discuss a personnel matter regarding appointments. Passed - Vote 7-0

Executive Session began at 6:45pm and ended at 6:58pm.

REGULAR CITY COUNCIL MEETING

THE HONORABLE SHANE D. BOUCHARD, MAYOR, PRESIDING.

PRESENT: Mayor Bouchard, Councilors Lysen, Pettengill, Rea, Lajoie, Cloutier, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

VOTE (2-2018)

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To dispense with the reading of the minutes of the meeting of December 19, 2017 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

Michael Lachance, 183 Rosedale Street, congratulated the Mayor and Councilors on their recent election and thanked them for serving the public in this capacity. He noted the need to keep an eye on bonded debt and limits, given the projects in the LCIP. He reminded them to keep in mind the power and responsibilities that the City Council holds and to always be mindful of that, and to keep the taxpayers in mind during important decisions and to always be aware of how all of their decisions impact the residents.

**ADOPTION OF THE RULES TO GOVERN THE CITY COUNCIL FOR THE ENSUING
COUNCIL YEAR**

VOTE (3-2018)

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To adopt the Rules to Govern the City Council for the period of January 9, 2018 to January 7, 2020 as presented. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE FRATERNAL ORDER OF EAGLES, 1327 SABATTUS STREET

Mayor Bouchard 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 (4-2018)

Motion by Councilor Marcotte, seconded by Councilor Rea:

To grant a Special Amusement permit for live entertainment to the Fraternal Order of Eagles, 1327 Sabattus Street. Passed - Vote 7-0

RESOLVE RATIFYING THE APPOINTMENTS OF MARK CAYER AND ALICIA REA TO THE LEWISTON SCHOOL COMMITTEE

VOTE (5-2018)

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To approve the Resolve Ratifying the Appointments of Mark Cayer and Alicia Rea to the Lewiston School Committee:

Whereas, on January 2nd, Mayor Bouchard nominated Mark Cayer to fill the Ward 6 School Committee position for which there were no candidates in the November election; and

Whereas, that same day, the Mayor nominated Alicia Rea to fill the City Council seat on the School Committee; and

Whereas, inadvertently, the City Council voted to approved these nominations prior to the newly elected Councilors taking the oath of office; and

Whereas, in order to avoid any questions regarding these appointments, this resolve will ratify them;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the Mayoral nominations of Mark Cayer to fill the vacant Ward 6 seat on the School Committee and of Alicia Rea as the Council representative to the School Committee are hereby ratified.

Passed - Vote 7-0

AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL APPLICATIONS TO OPERATE BEANO, BINGO OR

OTHER GAMES OF CHANCE, ON BEHALF OF THE MUNICIPAL OFFICERS

VOTE (6-2018)

Motion by Councilor Lysen, seconded by Councilor Rea:

Ordered, that the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications to operate beano, bingo and other games of changes on behalf of the Municipal Officers, during the period January 9, 2018 through January 7, 2020.

Passed - Vote 7-0

AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL PERMITS FOR CIRCUSES AND CARNIVALS, ON BEHALF OF THE MUNICIPAL OFFICERS

VOTE (7-2018)

Motion by Councilor Cloutier, seconded by Councilor Beam:

Ordered, that the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all permits for a circus or carnival on behalf of the Municipal Officers, during the period January 9, 2018 through January 7, 2020. Passed - Vote 7-0

AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO SIGN ALL LIQUOR LICENSE APPLICATIONS ON BEHALF OF THE MUNICIPAL OFFICERS

VOTE (8-2018)

Motion by Councilor Cloutier, seconded by Councilor Pettengill:

Ordered, that the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to sign all liquor license applications on behalf of the Municipal Officers, during the period January 9, 2018 through January 7, 2020. Passed – Vote 7-0

AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL APPLICATIONS FOR UTILITY POLE PERMITS, ON BEHALF OF THE MUNICIPAL OFFICERS

VOTE (9-2018)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

Ordered, that the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications for utility pole permits on behalf of the Municipal Officers, during the period January 9, 2018 through January 7, 2020. Passed - Vote 7-0

AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL LICENSES FOR CLOSE OUT SALE PERMITS, ON

BEHALF OF THE MUNICIPAL OFFICERS

VOTE (10-2018)

Motion by Councilor Rea, seconded by Councilor Pettengill:

Ordered, that the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all licenses for close out sale permits on behalf of the Municipal Officers, during the period January 9, 2018 through January 7, 2020. Passed - Vote 7-0

AUTHORIZATION FOR THE FINANCE DIRECTOR, TAX COLLECTOR AND DEPUTY TREASURER TO ACT ON BEHALF OF THE MUNICIPAL OFFICERS REGARDING DEEDS, LIENS AND MUNICIPAL INVESTMENTS

VOTE (11-2018)

Motion by Councilor Marcotte, seconded by Councilor Pettengill:

Ordered, that the City Council hereby authorizes the Finance Director, Tax Collector or Deputy Treasurer to withhold monies payable by the City of Lewiston to cover taxes due pursuant to MRSA Title 30-A, section 905; to sign on behalf of the City, the necessary deeds and liens and tax settlements; and to invest funds in accordance with Maine Revised Statutes Annotated, Title 30-A, Section 5706, during the period January 9, 2018 through January 7, 2020. Passed - Vote 7-0

AUTHORIZATION FOR CITY ADMINISTRATION TO APPROVE OR DENY ALL REQUESTS TO HANG BANNERS, POST COMMUNITY EVENT SIGNS ON MUNICIPAL PROPERTY, AND PLACE TEMPORARY SIGNS, FLAGS AND DECORATIONS IN THE PUBLIC RIGHT OF WAY, ON BEHALF OF THE MUNICIPAL OFFICERS

VOTE (12-2018)

Motion by Councilor Cloutier, seconded by Councilor Lajoie:

Ordered, that the City Council hereby authorizes the City Administrator or Deputy City Administrator to review and approve or deny all requests to hang banners, post community event signs on city property, and place temporary signs, flags and decorations in the public right of way, on behalf of the Municipal Officers, during the period of January 9, 2018 through January 7, 2020. Passed - Vote 7-0

AUTHORIZATION FOR DEPUTY CITY ADMINISTRATOR AND/OR FINANCE DIRECTOR TO HAVE SIGNATORY AUTHORITY FOR THE CITY ADMINISTRATOR WHEN THE ADMINISTRATOR IS UNAVAILABLE

VOTE (13-2018)

Motion by Councilor Lysen, seconded by Councilor Beam:

Ordered, that the City Council hereby authorizes the Deputy City Administrator, or in the absence of the Deputy City Administrator, the Finance Director, to have signatory authority for

the City Administrator, when the Administrator is unavailable, during the period of January 9, 2018 through January 7, 2020. Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A
DECLARATION OF ENVIRONMENTAL COVENANT ON THE CITY-OWNED
PROPERTY LOCATED AT 180 BARTLETT STREET**

The City Administrator provided some background information regarding this item, noting it is related to the new elementary school that is being constructed on the high school fields. He noted the fields were built years ago with federal funds dedicated to open space and recreation, so the city need to find replacement property of the same value since the construction of the school is displacing the fields. Councilor Pettengill suggested putting language into the property deed about the federal grant restrictions so years down the road if the property is ever used for another purpose, the land use restrictions are known.

VOTE (14-2018)

Motion by Councilor Cloutier, seconded by Councilor Beam:

To approve the Order Authorizing the City Administrator to execute a Declaration of Environmental Covenant on city-owned property located at 180 Bartlett Street:

Whereas, the City acquired the property at 180 Bartlett Street, the former Hudson Bus location, for the purpose of replacing property elsewhere in Franklin Pasture where our newest elementary school is under construction; and

Whereas, the new school site is subject to the conditions of a federal Land and Water Conservation Fund grant received to support development of the athletic field complex associated with the Lewiston High School; and

Whereas, the terms of that grant required the athletic field complex to be maintained in perpetuity as open and recreational space; and

Whereas, to meet the requirements of the original grant, this property must be replaced with other properties of a similar or greater value and recreational benefit; and

Whereas, the Bartlett Street property, which was used by Hudson Bus and successor operators for the repair and storage of buses, is one of several replacement properties; and

Whereas, a number of underground petroleum tanks were located at this site, either at the time the City purchased the property or historically; and

Whereas, the City intends to redevelop this property with a variety of athletic fields; and

Whereas, such reuse required various environmental studies to be completed and a Voluntary Response Action Program (VRAP) for the site to be approved outlining the environmental work/monitoring the City must do going forward to allow for the intended new use of the

property; and

Whereas, these studies have been completed and a revised VRAP has been approved by the State; and

Whereas, the State requires that a Declaration of Environmental Covenant outlining the requirements that must be recorded at the County Registry of Deeds; and

Whereas, a Declaration acceptable to all parties has been developed and is ready to be filed, subject to approval of the City Council;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City administrator is hereby authorized to execute the attached Declaration of Environmental Covenant covering the property located at 180 Bartlett Street and to record such Declaration at the County Registry of Deeds.

Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING A PROHIBITION OF WINTER PARKING FOR A PORTION OF THE ODD NUMBERED SIDE OF CLOUTIER STREET

VOTE (15-2018)

Motion by Councilor Cloutier, seconded by Councilor Pettengill:

To adopt the proposed amendments to the Traffic Schedule for Cloutier Street to prohibit parking on the odd numbered side of the street. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT A TRANSFER OF FORFEITURE FUNDS

The Mayor asked the Chief of Police to provide background information regarding the procedure for accessing these forfeiture funds, for the benefit of the new Councilors.

VOTE (16-2018)

Motion by Councilor Rea, seconded by Councilor Lajoie:

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 \$1,506.00, or any portion thereof, in the case of the State of Maine vs. Tarik Vincent Rankins, CR-17-3824 Court Records, the transfer of \$688.00, or any portion thereof, in the case of the State of Maine vs. Haji Haji, CR-17-3242 Court Records, transfer of \$3,331.00, or any portion thereof, in the case of the State of Maine vs. Rasheem Johnson, CR-17-1654 Court Records, and the transfer of \$10,300.00, or any portion thereof, and proceeds from the sale of firearms and ammunition, or any portion thereof, in the case of the State of Maine vs. Jennifer Dionne, CR-16-3291 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

APPOINTMENTS TO VARIOUS CITY BOARDS AND COMMITTEES

Mayor Bouchard announced his appointments to city boards and committees:

Assessment Review Board –

2 full member positions – 3 year terms – Gary Savard, Noel Madore

1 full member position – 2 year opening/filling a vacancy – N. Joel Moser

Board of Appeals –

1 full member position – 5 year term –Leslie Dubois

2 associate member position – 1 year opening/filling a vacancy – Alexander Willette, Phyllis Rand

Finance Committee –

1 full member position – 3 year term –Michael Lachance

Historical Preservation Review Board –

2 full member positions- 3 year terms – Gerard Raymond, Kevin Morin

2 full member position – 1 year term to fill a vacancy – Christopher Beam

1 associate member position – 3 year term – Steve Dayton

L/A Community Forestry Board –

1 full member position – 3 year term – Richard Shea

1 full member position – 2 year opening/filling a vacancy – Dustin Carrier

Planning Board –

1 full member position – five year term – Benjamin Martin

1 associate member position – 3 year opening/filling a vacancy –Emily Darby

1 associate member position – 1 year opening/filling a vacancy – Lucy Bisson

VOTE (17-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Mayor’s nominations regarding his appointments to the Library Board of Trustees:

3 full member positions – 3 year terms – Edward Walworth, Sara Gillespie, Julia Gordon

1 full member position – 1 year opening/filling a vacancy – Safiya Khalid

Passed - Vote 7-0

VOTE (18-2018)

Motion by Councilor Cloutier, seconded by Councilor Marcotte:

To appoint the following residents to the Airport Board of Directors and the Lake Auburn Watershed Commission:

Airport Committee - 1 full member position – 3 year term –Rick Lachapelle

Lake Auburn Watershed -1 full member position – 3 year term - Joseph Grube

Passed - Vote 7-0

VOTE (19-2018)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To approve the following appointments of the City Council representatives to the various boards and committees:

911 Committee	Councilor Lajoie
Airport Board of Directors	Councilor Pettengill
Androscoggin County Budget Committee	Councilors Cloutier and Rea
Androscoggin Valley Council of Governments General Assembly	Councilors Cloutier and Lysen
Cable TV Advisory Committee	Councilor Lajoie
Community Development Block Grant Committee	Councilor Beam
Complete Streets Committee	Councilor Lysen
L/A Transit Committee	Councilor Beam
Lake Auburn Watershed Protection Commission	Councilor Rea
Lewiston Auburn Public Health Committee	Councilor Cloutier
Loan Qualification Committee	Councilor Marcotte
Library Board of Trustees	Mayor (by position)
Maine Municipal Association Legislative Policy Committee	Mayor Bouchard
South Park Industrial Park Board of Directors	Council President, Mayor (by position)
Taxi & Tattoo Appeals Board	Mayor Bouchard and Councilor Lajoie
Youth Advisory Council	Councilor Pettengill

Passed - Vote 7-0

Council President Cloutier then announced her appointments to the Finance Committee and she has appointed Councilors Lysen and Marcotte.

REPORTS AND UPDATES

Councilor Rea reported the first School Committee of the year will be held tomorrow night for the purpose of electing a Chairperson.

OTHER BUSINESS

Mike Lachance, 183 Rosedale Street, suggested removing the Taxi & Tattoo Appeals Board and having those appeals heard from the Board of Appeals. It was noted the Mayor has already submitted this request to staff and the ordinance change will be presented at a future Council meeting.

EXECUTIVE SESSION

VOTE (20-2018)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

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

Executive Session began at 7:43pm and 8:27ended at pm.

VOTE (21-2018)

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To adjourn at 8:28P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine