

**CITY OF LEWISTON**

**CITY COUNCIL**

**MAY 1, 2018**

**REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 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 (114-2018)**

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 Real Estate Negotiations, 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 6:23pm.

**VOTE (115-2018)**

Motion by Councilor Rea, seconded by Councilor Lajoie:

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 6:23pm and ended at 6:52pm.

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.

**VOTE (116-2018)**

Motion by Councilor Cloutier, seconded by Councilor Rea:

To dispense with the reading of the minutes of the meeting of April 17, 2018 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**PUBLIC COMMENT PERIOD**

No members of the public offered comment at this time.

**PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS AT DUFRENSE PLAZA TO BE HELD IN CONJUNCTION WITH THE SUNDRAY INDIE MARKETS**

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 (117-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To conduct a public hearing on an application from The Union of Maine Visual Artists for the outdoor afternoon concerts to be held at Dufresne Plaza on May 20, June 15, August 19, September 16 and October 21, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to The Union of Maine Visual Artists for the outdoor concerts, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE LEWISTON FARMER'S MARKET CONCERTS**

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 (118-2018)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To conduct a public hearing on an application for an outdoor entertainment event for the Lewiston Farmers Market concerts, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Lewiston Farmers Market Association for outdoor music concerts for the Market, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 7-0

**PUBLIC HEARING FOR AN EXTENTION OF LIQUOR LICENSE TO INCLUDE OUTDOOR SERVICE AT FISH BONES AMERICAN GRILL**

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 (119-2018)**

Motion by Councilor Lajoie, seconded by Councilor Cloutier:

To approve the request from Fish Bones American Grill, 70 Lincoln Street, to authorize the extension of their liquor license to include outside service at their location, contingent upon a positive recommendation from the Police Department, Fire Department and Code Enforcement Department. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE  
FIRE PREVENTION AND PROTECTION ORDINANCE**

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 (120-2018)**

Motion by Councilor Lajoie, seconded by Councilor Lysen:

That the proposed amendments to the City Code of Ordinances, Chapter 38 “Fire Prevention and Protection”, Article I, “In General”, Article II, “Fire Prevention Code” and Article III, “Permits”, receive first passage by a roll call vote and to continue the hearing to the next regularly scheduled City Council meeting for final passage. Passed - Vote 7-0

**PUBLIC HEARING AND RESOLVE APPROVING THE FEDERAL FY2018  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN BUDGET  
AND HOME BUDGETS SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT (HUD)**

Mayor Bouchard opened the public hearing to receive citizen input and comment. A representative from the Children’s Advocacy Center inquired about their allotted funding amount. The Mayor then closed the hearing. Councilors Rea and Cloutier noted they will be recusing themselves from this item due to conflicts of interest.

**VOTE (121-2018)**

Motion by Councilor Marcotte, seconded by Councilor Lajoie:

To approve Proposed Change Option 3 to provide 14 non-city agencies funded at 71%, 61% and 51% of their ask X score, Potvin Park funded at \$51K and Shane’s maintained at \$126K and Tree Street Youth funded at \$77,658. Passed - Vote 6-0 (Mayor is permitted to cast a vote; Councilors Rea and Cloutier abstained)

**VOTE (122-2018)**

Motion by Councilor Beam, seconded by Councilor Cloutier:

To adopt the Resolve approving the FY2018 Community Development Block Grant Action Plan Budget for submittal to the U.S. Department of Housing and Urban Development:

Whereas, in accordance with applicable sections of 24 CFR Parts 91 and 570 and the City’s Citizen Participation Plan, the City has provided citizens with adequate notice and opportunity to review and comment on its annual Action Plan and HOME budgets; and

Whereas, the City Council has, on this date, conducted a public hearing and accepted public comments on the proposed Action Plan; and

Whereas, HUD requires that final local acceptance of the CDBG Action Plan budget take effect a minimum of 45 days prior to the end of Lewiston’s fiscal year, which occurs on June 30, 2017;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the attached schedule of funds for the Federal Fiscal Year 2018 (City of Lewiston FY19) CDBG budget (Action Plan) and HOME budgets are hereby adopted, and City staff is hereby authorized to submit the FY2018 Action Plan to the U.S. Department of Housing and Urban Development as adopted.

Passed - Vote 6-0 (Mayor is permitted to cast a vote; Councilors Rea and Cloutier abstained)

**FINAL BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2019  
MUNICIPAL BUDGET**

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.

**RESOLVE APPROVING THE FY19 BUDGET FOR THE LEWISTON  
SCHOOL DEPARTMENT**

Shanna Cox, 19 Ash Street, noted as a taxpayer and school parent, the education budget is an investment budget into the future workforce. She noted the Lewiston special education budget is higher than other communities because Lewiston is a service center community and there are two major hospitals within the city where children with special needs can obtain services, so therefore our school budget is higher in special education funding to support these children.

**VOTE (123-2018)**

Motion by Councilor Rea, seconded by Councilor Lysen:

To approve the Resolve approving the FY19 budget for the Lewiston School Department:

Whereas, pursuant to the City Charter, the Lewiston School Committee prepared and approved a FY19 budget for the Lewiston School Department and has submitted that budget to the City Council; and

Whereas, subsequent to the receipt of this budget, the School Committee and the City Council have met to discuss and review it; and

Whereas, as proposed, the School budget meets the local share property tax commitment required by state law; and

Whereas, the City Council must approve the total amount of the School Budget before it can be presented to the voters in a school budget ratification election scheduled for May 8, 2018;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the Fiscal Year 19 budget approved by the Lewiston School Committee as outlined and detailed on the attached Lewiston School Department Budget Articles is hereby adopted, subject to approval of the voters of the City of Lewiston at a budget validation referendum.

Passed – Vote 5-2 (Councilors Pettengill and Marcotte opposed)

**BUDGET RECOMMENDATIONS FROM THE FINANCE COMMITTEE REGARDING  
THE PROPOSED FISCAL YEAR 2019 MUNICIPAL BUDGET**

**VOTE (124-2018)**

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To receive and review the recommendation from the Finance Committee regarding the proposed Fiscal Year 2019 Municipal Budget. Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO PROVIDE CITY  
SERVICES AND FUNDING FOR CITY NON-PROFIT ORGANIZATION ACTIVITIES  
IN ACCORDANCE WITH THE FY2019 CITY COUNCIL APPROVED LIST**

**VOTE (125-2018)**

Motion by Councilor Lajoie, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to provide city services and funding for City Non-Profit Organization Activities in accordance with the FY2019 City Council approved list:

Whereas, the City of Lewiston has a history of providing in-kind support services and limited cash contributions for a variety of activities that will enhance our City’s quality-of-life and provide certain non-profit organizations a source of revenue to support programming available to eligible Lewiston residents; and

Whereas, the organizations which will receive FY2019 City support have complied with the application requirements set forth in the “Charitable Organization Support Policy;” and

Whereas, requests for such City support have been reviewed by the City Council as a part of the FY2019 budget process;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to direct City departments to provide applicable City in-kind support services outlined in the attached “Lewiston Charitable Donations – Summary of Requests for FY2019” less the \$50 application fee and licenses and permits in accordance with the City’s Special Events Policy and to issue a cash payment to the Liberty Festival to support its July 4<sup>th</sup> fireworks display subject to the City Council’s final approval of the FY2019 municipal budget; and

Be It Further Ordered That the City Policy restricting the loaning of tables and chairs be waived for Advocates for Children and the Great Falls Balloon Festival.

Passed - Vote 7-0

**RESOLVE AUTHORIZING THE USE OF \$1,500 FROM THE FARRAR FUND FOR COSTS OF BASIC NECESSARY SERVICES FOR NEEDY INDIVIDUALS**

**VOTE (126-2018)**

Motion by Councilor Marcotte, seconded by Councilor Cloutier:

To approve the Resolve authorizing the use of up to \$1,500 from the Farrar Fund for the expenses of basic necessary services for Lewiston residents where such costs are not covered by other assistance programs and as determined by the Director of Social Services:

Whereas, the City of Lewiston was left an endowment to provide for medical and dental expenses for needy individuals; and

Whereas, in 2008, the City Council authorized the use of these funds, as determined by the Social Services Director, to provide basic, necessary services to those individuals whose income is no greater than 185% of the federal poverty level; and

Whereas, fund principal in the amount of \$18,551 is to be maintained in perpetuity; and

Whereas, due to the low rate of return on investments, it is anticipated that the demand for service will exceed the adopted procedure of only utilizing the prior year's investment earnings; and

Whereas, the appropriation of \$1,500 is recommended with additional funding for this amount over and above the interest earned in the prior year coming from interest earnings accumulated and retained over time;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the Social Services Director is authorized to spend up to \$1,500 from the Farrar Fund, a reduction of \$500 from the authorized amount in FY18.

Passed - Vote 7-0

**RESOLVE APPROVING THE FINAL ADJUSTMENTS TO THE FISCAL YEAR 2019 MUNICIPAL BUDGET**

**VOTE (127-2018)**

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To adopt the Resolve approving the final adjustments to the Fiscal Year 2019 Municipal Budget:

Whereas, in accordance with the Charter, the City Administrator presented his proposed Fiscal Year 2019 budget to the City Council on March 20, 2018; and

Whereas, since then, the City Council has met on numerous occasions to review the various departmental budgets and to discuss changes to the Administrator's proposal; and

Whereas, throughout this process, the City Council has shown support for certain changes and

adjustments affecting both the general fund and utility funds expenditure budgets; and

Whereas, the overall goals of this effort were to maintain essential public services while reducing the impact of the budget on the taxpayers of the City of Lewiston; and

Whereas, the following summary represents the results of this effort;

Now, therefore, be It Resolved by the City Council of the City of Lewiston **that** the following Final Budget Adjustments Summary for Fiscal Year 2019, is hereby approved:

<b>Adj. #</b>	<b>Org.</b>	<b>Object</b>	<b>Account</b>	<b>Amount</b>
<i>Revenues:</i>				
1	4192	362300	District Court Rent	(69,952)
2	4155	316100	Auto Excise Tax	40,000
3	4151	371150	Other Reimbursements	20,000
4	4213	351350	Parking Violations	3,830
5	4151	335200	State Revenue Sharing	105,000
				<b>98,878</b>
<i>Expenditures:</i>				
6	4144	412500	Temp. Wages - net	(3,250)
7	4161	426200	Maintenance & Licensing	12,900
8	4191	426100	Outside Rental	(1,500)
9	4192	422500	Utilities	8,600
10	4192	425000	Cleaning	15,070
11	4192	426100	Outside Rental	(1,000)
12	4192	427000	Repairs to Equipment	2,448
13	4192	427500	Repairs to Buildings	1,500
14	4192	439800	Other Supplies	250
15	4213	426500	Repairs to Vehicles	18,000
16	4216	411000	Salaries	(42,491)
17	4216	411000	Salaries	(32,989)
18	4216	411000	Salaries	34,528
19	4216	434500	Dept. Apparel	(250)
20	4217	426100	Outside Rental	(6,500)
21	4221	426200	Maintenance & Licensing	5,674
22	4222	426500	Repairs to Vehicles	5,000
23	4311	411000	Salaries	(32,344)
24	4331	427210	Street Light Painting	35,000
25	4338	422500	Utilities	6,000
26	4381	427000	Repairs to Equipment	5,000
27	4519	426100	Outside Rental	(1,000)
28	4559	426100	Outside Rental	(1,500)
29	4711	449000	Principal	623,415
30	4721	449000	Interest	108,926
31	4921	417100	Health Insurance	(28,067)

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32	4921	417200	Flexible Spending	(998)
33	4921	417250	Health Reim. Arrangement	(6,198)
34	4931	417002	Retirement	(3,556)
35	4931	417003	FICA & Medicare	(5,415)
36	4941	417500	Unemployment	(5,500)
				<b>709,754</b>
Water:				
37	6085	643601	Principal	104,950
38	6085	642701	Interest	28,077
39	6085	640301	Capital	(160,000)
				<b>(26,973)</b>
Sewer:				
40	6000		Sewer Meter Service	<b>80,000</b>
41	6285	643601	Principal	193,834
42	6285	642701	Interest	41,336
43	6250	662509	Capital Outlay	(80,000)
				<b>155,170</b>
Storm Water:				
44	6485	643601	Principal	123,001
45	6485	642701	Interest	26,038
				<b>149,039</b>

Passed - Vote 7-0

**RESOLVE MAKING AN APPROPRIATION FOR UTILITY AND SPECIAL REVENUE FUNDS FOR MUNICIPAL BUDGET YEAR 2019****VOTE (128-2018)**

Motion by Councilor Lajoie, seconded by Councilor Cloutier:

To approve the Resolve Making an Appropriation for Utility and Special Revenue Funds for Municipal Budget Year 2019:

Be It Resolved by the City Council of the City of Lewiston that the appropriation for municipal year 2019 for the following Enterprise Funds is hereby authorized and approved: the Water Fund in the amount of \$5,718,127, the Sewer Fund in the amount of \$6,747,449, and the Storm Water Fund in the amount of \$2,909,377; and

Be It Further Resolved by the City Council of the City of Lewiston that the appropriation for municipal year 2019 for the following Special Revenue Funds is hereby authorized and approved: the Recreation Activity Fund in the amount of \$109,399 with approval to pursue offering new programs that are financially viable, the Police Drug Forfeiture Fund in the amount of \$115,206; and the Tax Increment Financing Fund in the amount of \$1,992,540; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any grants from the State of Maine, the Government of the United States of America, or any other organization received during this budget year where such grant is equal to or less than \$25,000, such appropriation to become effective upon formal Council action to accept such grant.

Passed - Vote 7-0

**RESOLVE AUTHORIZING THE USE OF \$4,557,203 FROM THE GENERAL FUND UNASSIGNED FUND BALANCE FOR CAPITAL OUTLAY PURCHASES AND OTHER ONE-TIME COSTS**

**VOTE (129-2018)**

Motion by Councilor Rea, seconded by Councilor Pettengill:

To approve the Resolve authorizing the use of \$4,557,203 from the General Fund Unassigned Fund Balance for Capital Outlay purchases and other one-time costs:

Whereas, the City of Lewiston adopted Ordinance 11-05 pertaining to Unassigned Fund Balance and effective on August 18, 2011; and

Whereas, the ordinance establishes an Unassigned Fund Balance floor of 8% and a ceiling of 12% of GAAP revenues including transfers in; and

Whereas, as of June 30, 2017, the City’s General Fund Unassigned Fund Balance floor was \$9,354,526 and the ceiling was \$14,031,789; and

Whereas, as of June 30, 2017, the City’s actual General Fund Unassigned Fund Balance was \$16,415,233, or 14.04%; and

Whereas, during fiscal year 2018, the City Council approved the use of \$130,000 to purchase a sidewalk snowplow which reduced General Fund Unassigned Fund Balance to \$16,285,233, or 13.90%; and

Whereas, the City Council wishes to minimize the tax rate increase needed to balance the fiscal year 2019 budget, and reduce the amount of projects to be funded from bond proceeds;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that \$4,557,203 of unassigned fund balance is hereby appropriated to address the following capital needs:

<b>Dept.</b>	<b>Org.</b>	<b>Object</b>	<b>Account</b>	<b>Amount</b>
Auditing	4153	428900	Training	3,600
MIS	4161	426200	Maintenance & Licensing	8,400
MIS	4161	450500	Office Equipment	37,200

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MIS	4161	450500	Office Equipment	2,400
MIS	4161	450500	Office Equipment	1,200
MIS	4161	450500	Office Equipment	1,800
MIS	4161	450500	Office Equipment	68,040
MIS	4161	450500	Office Equipment	121,470
HR	4181	450500	Office Equipment	1,930
City Hall	4191	427500	Repairs to Building	5,400
City Hall	4191	427500	Repairs to Building	2,300
City Hall	4191	458000	Buildings	16,000
City Hall	4191	458000	Buildings	10,000
City Hall	4191	458000	Buildings	26,000
City Hall	4191	458000	Buildings	83,000
Oak St.	4193	427500	Repairs to Buildings	10,000
Oak St.	4193	427500	Repairs to Buildings	6,000
Centreville P.G.	4194	458000	Buildings	230,000
Chestnut St	4195	427500	Repairs to Building	18,000
Chestnut St	4195	458000	Buildings	25,000
S. Gateway	4196	427500	Repairs to Building	12,000
S. Gateway	4196	427500	Repairs to Building	1,000
Lincoln St.	4197	427500	Repairs to Building	1,200
Police	4213	451000	Vehicles	72,750
Police	4213	451000	Vehicles	62,750
Police	4217	458000	Buildings	45,000
Fire	4221	450500	Office Equipment	10,108
Fire	4222	435800	Public Safety Supplies	15,500
Fire	4222	435800	Public Safety Supplies	2,000
Fire	4222	451000	Vehicles	50,000
Fire	4222	452500	Public Safety Equipment	3,000
Fire	4222	452500	Public Safety Equipment	1,500
Fire	4223	452800	Communication Equipment	10,500
Fire	4229	453000	Household Equipment	5,200
Fire	4229	458000	Buildings	4,000
Fire	4229	458000	Buildings	4,000

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Fire	4229	458000	Buildings	3,600
Fire	4229	458000	Buildings	12,000
Fire	4229	458000	Buildings	14,400
Highway	4331	436000	Small Tools & Implements	1,600
Highway	4331	436000	Small Tools & Implements	5,650
Highway	4331	452500	Public Safety Equipment	1,800
Highway	4331	457000	Other Betterments - Resurfacing	41,000
Highway	4331	457001	Resurfacing	129,000
Highway	4331	457001	Resurfacing	59,000
Highway	4331	457003	Other Betterments - Guardrails	4,000
Sidewalks	4334	457000	Sidewalks	331,000
St. Lighting	4338	436000	Small Tools & Implements	5,625
Waste Dis.	4343	451000	Vehicles	13,000
Waste Dis.	4343	457000	Betterments	250,000
Parks	4351	436000	Small Tools & Implements	1,000
Parks	4351	457000	Other Betterments	800
Open Spaces	4351	457000	Betterments	75,000
Hydro	4361	427500	Repairs to Buildings	3,500
Hydro	4361	428816	Canal Maintenance	46,840
MG	4381	451000	Vehicles	35,000
M. Garage	4381	451000	Vehicles	1,231,000
M. Garage	4381	452000	Garage & Shop Equipment	14,000
M. Garage	4381	452000	Garage & Shop Equipment	1,800
M. Garage	4381	452000	Garage & Shop Equipment	22,000
M. Garage	4381	452000	Garage & Shop Equipment	4,200
M. Garage	4381	452000	Garage & Shop Equipment	55,000
PW Buildings	4391	458000	Buildings	36,000
PW Buildings	4391	458000	Buildings	5,500
PW Buildings	4391	458000	Buildings	17,000
PW Buildings	4391	458000	Buildings	26,000
Armory	4519	458000	Buildings	3,000
Armory	4519	458000	Buildings	35,822
Armory	4519	458000	Buildings	6,000

Armory	4519	458000	Buildings	4,000
Armory	4519	458000	Buildings	15,000
Library	4552	450500	Office Equipment	2,100
Library	4559	458000	Buildings	138,500
Library	4559	458000	Buildings	56,100
Library	4559	458000	Buildings	22,350
Airport	4811	449000	Airport	10,000
Airport	4811	449000	Fixed Charges	150,000
Transit	4812	451000	Transit	50,000
911	4813	449000	Fixed Charges	85,000
Severance	4931	416000	Severance Pay	300,000
W. Comp	4941	417400	Workers Comp	197,768
Donations	4951	443000	Donations	50,000
Misc.	4991	450500	Office Equipment	7,000
				<b>4,557,203</b>

Passed - Vote 6-1 (Councilor Marcotte opposed)

**ADOPTION OF MUNICIPAL BUDGET APPROPRIATION RESOLVE FOR  
FISCAL YEAR 2019**

**VOTE (130-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Municipal Budget Appropriation Resolve for Fiscal year 2019:

Be It Resolved by the City Council of the City of Lewiston that the sum of \$46,108,002 is hereby appropriated in the General Fund for the municipal year 2019 in accordance with the schedule of appropriations; and

Be It Further Resolved by the City Council of the City of Lewiston that, in addition to such other revenues as are estimated to be available to meet the above appropriations including the Homestead and Business Equipment Tax Exemption reimbursement, the sum of \$34,093,085 be raised by assessment upon the estates of the inhabitants of the City of Lewiston and upon the estates of non-resident proprietors within said City for the present municipal year; and

Be It Further Resolved by the City Council of the City of Lewiston that the sum of \$12,014,917 be appropriated as non-tax revenues in the General Fund for the municipal year 2019 in accordance with the schedule of appropriations; and

Be It Further Resolved by the City Council of the City of Lewiston that the list of tax assessments upon the estates in Lewiston for all city taxes, together with all assessments and charges made under the provisions of the Maine Revised Statutes annotated, Title 30A, Section 3406 and 3442 to 3445 inclusive, and the City's due proportion of the County Tax in the amount of \$2,716,558 for

the period of July 1, 2018 through June 30, 2019 shall be committed by the Assessor to the Finance Director, and one-half of said taxes shall be due and payable on the 17th day of September 2018 with the remaining one-half of said taxes due and payable on the 15th day of March 2019; and

Be It Further Resolved by the City Council of the City of Lewiston that interest at the maximum State approved rate of 8% per annum for fiscal year 2019 shall be collected on the first half of said taxes from September 18, 2018, if not voluntarily paid to the Finance Director on or before September 17, 2018 and on the second half of said taxes from March 16, 2019, if not voluntarily paid to the Finance Director on or before March 15, 2019; and

Be It Further Resolved by the City Council of the City of Lewiston that in each case, said interest shall be added to and become a part of said taxes; and

Be It Further Resolved by the City Council of the City of Lewiston that the Treasury Manager/Tax Collector is authorized to accept payments of uncommitted taxes and to pay to the taxpayer interest from the date of payment to the commitment date at a rate of 0% and that refunds for overpayments or abatements shall be paid to the taxpayer with interest from the date of payment to the date of abatement or refund, whichever is earlier, at an interest rate of 2.00%; and

Be It Further Resolved by the City Council of the City of Lewiston that the Treasury Manager/Tax Collector shall apply all payments to the oldest balance due to the City on that account regardless of any instructions the customer/taxpayer may give. If, however, a lien has matured, the Treasury Manager/Tax Collector may not accept payment on that account unless a workout agreement is in place or approval has been granted by the Finance Director to accept payment. If a customer/taxpayer has more than one account, any payment shall be applied to the oldest balance due; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally accepts and appropriates any cash contributions received during this budget year to the appropriate department and purpose for which such contribution has been made and where such contribution is equal to or less than \$10,000; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any grants from the State of Maine, the Government of the United States of America, or any other organization received during this budget year where such grant is equal to or less than \$25,000, such appropriation to become effective upon formal Council action to accept such grant; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any insurance proceeds received during this budget year to the appropriate department for the purpose of repairing or replacing the damaged property where such amount is equal to or less than \$50,000, such appropriation to become effective upon receipt of funds; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates any Municipal Garage revenues in excess of the amount expended at the end of the fiscal year to be included in the General Fund Municipal Garage Vehicle Reserve Account; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates a 2% cost of living adjustment for nonunion personnel effective on the payroll check dated July 3, 2018 and directs the Finance Director to make the necessary adjustments to non-union salary schedules; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized from the library's permanent endowment fund in accordance with the recommendation of the Library Board of Trustees and to the extent that the City Administrator determines that such an appropriation is in accordance with existing City and Library policies; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized to transfer the amount of \$6.62 or the current State reimbursement rate per snowmobile registration to the Hillside Snowmobile Club. Payment will be made annually to the Hillside Snowmobile Club by June 30, 2019; and

Be It Further Resolved by the City Council of the City of Lewiston that an appropriation is authorized to transfer the amount of 20% of net timber harvesting revenue, if any, to the Community Forestry Fund in accordance with City Ordinance 78-45. Payment will be made annually to the Community Forestry Fund by June 30, 2019; and

Be It Further Resolved by the City Council of the City of Lewiston that the City Administrator is instructed to include a new Fire Battalion Chief and a new Planning position in his recommended base FY20 budget; and

Be It Further Resolved by the City Council of the City of Lewiston that this budget reflects anticipated intergovernmental revenues from the State of Maine in accordance with existing law and that the budget proposed by the Governor recommends various changes to municipal support programs and the homestead exemption program that may affect this budget and require additional appropriations or budget adjustments. In the event that the final adopted state budget affects municipal revenues or expenditures, the total Fiscal Year 2018 tax commitment is hereby additionally increased in an amount equal to the reductions in such state revenues or the required increase in municipal expenditures. If necessary and within sixty (60) days of the adoption of the state budget, the City Council shall determine the proportion of this additional tax commitment that shall be offset by reductions in the various General Fund expenditure accounts; and

Be It Further Resolved by the City Council of the City of Lewiston that the City Council deems it necessary to adopt a budget which exceeds the percent increase of the Gross National Product-Implicit Price Deflator and hereby waives the provisions of Section 6.07(h) of the City Charter.

Passed - Vote 6-1 (Councilor Marcotte opposed)

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A  
SETTLEMENT AGREEMENT AND RELEASE WITH FRANKLIN PROPERTY TRUST  
REGARDING 795 LISBON STREET**

**VOTE (131-2018)**

Motion by Councilor Marcotte, seconded by Councilor Lajoie:

To approve the Order, Authorizing the City Administrator to execute a Settlement Agreement and Release with Franklin Property Trust regarding 795 Lisbon Street:

Whereas, late last calendar year, the City became aware of significant erosion problems occurring at 795 and 805 Lisbon Street that were posing a threat to public health and safety and the structures at those locations; and

Whereas, the City holds an easement across 795 Lisbon St. in which the City has installed storm water drainage pipes; and

Whereas, in December 2017, the City Council issued an Order pursuant to the Maine Dangerous Building statute directing the owners of these properties to take action to address the erosion problem and authorizing the City to do so should the owners not take appropriate action; and

Whereas, in January 2018, Franklin Property Trust, the owner of 795 Lisbon Street, filed suit in the Androscoggin County Superior Court, Docket No. AP-18-02, seeking relief from the December 2017 Council Order and making an independent claim against the City; and

Whereas, subsequently, the City expended about \$57,000 to address the problem; and

Whereas, earlier this year, the City reached an agreement with the owner of 805 Lisbon that reimbursed the City \$7,500 toward the project's cost; and

Whereas, the City has reached an agreement with Franklin Property Trust which provides that the owner will reimburse the City \$15,000 toward the project's cost and details certain obligations of the parties;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute an agreement with Franklin Property Trust, LLC regarding the December 2017 Council Order and the property at 795 Lisbon St., a copy of which is attached hereto.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A  
MEMORANDUM OF UNDERSTANDING WITH FRANKLIN PROPERTY TRUST  
RESOLVING A DISPUTE INVOLVING AN AGREEMENT WITH FRANKLIN  
PROPERTY TRUST DATED DECEMBER 16, 2014**

**VOTE (132-2018)**

Motion by Councilor Lajoie, seconded by Councilor Rea:

To approve the Order, Authorizing the City Administrator to execute a Memorandum of Understanding with Franklin Property Trust resolving a dispute involving an Agreement with

Franklin Property Trust dated December 16, 2014:

Whereas, in December 2014, the City and Franklin Property Trust entered into an agreement involving a number of issues associated with property owned by FPT that was leased to the owners of certain buildings located on these properties; and

Whereas, among other issues, the agreement was intended to make it possible for building owners to acquire the land associated with their buildings from Franklin; and

Whereas, subsequently a dispute arose between the City and Franklin regarding a requirement imposed by FPT on certain building owners who purchased the associated land that FPT be authorized to repurchase the land within a ten year period as well as questions regarding the price at which FPT was willing to sell; and

Whereas, the City and Franklin have reached an agreement to resolve these issues under which Franklin has agreed to release and discharge any buyback provision included in any sales that have been concluded to date and to not include such buyback provision in any sale offer made to owners prior to the effective date of this memorandum of agreement; and

Whereas, the City, in light of a February 14, 2018 letter from Goulet & Associates, has agreed that the methodology used by FPT to set asking prices for its leased sites is reasonable;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to Execute a Memorandum of Understanding with Franklin Property Trust resolving a dispute involving an agreement between the City and Franklin dated December 16, 2014, a copy of which is attached.

Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING  
PROHIBITED ON A PORTION OF NORTH TEMPLE STREET**

**VOTE (133-2018)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To adopt the proposed amendments to the Traffic Schedule for a portion of North Temple Street prohibiting parking on the even side of the street, during the hours of 8am – 4pm, Monday through Friday, during the months of September through June. Passed - Vote 7-0

**RESOLVE AUTHORIZING THE ORGANIZERS OF THE BUILD MAINE  
CONFERENCE TO PLACE A MURAL ON THE PINE STREET SIDE OF THE  
CENTREVILLE PARKING GARAGE**

**VOTE (134-2018)**

Motion by Councilor Cloutier, seconded by Councilor Pettengill:

To approve the Resolve, authorizing the organizers of the Build Maine Conference to place a

Mural on the Pine Street side of the Centreville Parking Garage:

Whereas, the organizers of the Build Maine Conference are looking to select artists to paint two murals in Lewiston, one on a privately owned building and the second on the Centreville garage; and

Whereas, the purpose of this is to provide examples demonstrating how a community can approach using murals (private versus public property, supporting local artists or bringing outside artists to attract people to your city); and

Whereas, Build Maine is seeking permission to place a mural on the Pine Street side of the Centreville garage; and

Whereas, since the mural would appear on a City-owned structure, the City will retain control over approval of the content of the mural;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the Build Maine Conference organizers are authorize to install a mural on the Pine Street side of the City's Centreville parking garage subject to approval of the mural's design by a committee composed of Carl Sheline, representing Maple Way Dental, the owner of an adjacent property, William Low, Curator of the Bates Museum of Art and representing LA Arts, and Sheri Hollenbeck and Melanie Therrien from the Union of Maine Visual Artists along with the Mayor and Council Chair.

Passed - Vote 7-0

**AWARD OF BID FOR SALE OF 148 BARTLETT STREET**

**VOTE (135-2018)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To award the bid for the sale of 148 Bartlett Street to Robert and Janet Springer of Buxton for the price of \$10,500. Passed - Vote 5-2 (Councilors Cloutier and Lysen opposed)

**CONTINUATION OF REQUEST FOR ABATEMENT OF PROPERTY TAXES FOR APPLICATION SUBMITTED UNDER TITLE 36, SECTION 841 (2) TO THE MAY 15, 2018 CITY COUNCIL MEETING**

**VOTE (136-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To continue action on this item to the May 15, 2018 City Council meeting. Passed - Vote 7-0

**REPORTS AND UPDATES**

The City Administrator stated during the next meeting the Council will be asked to vote on their summer meeting schedule. Councilors noted the dates of July 10 and August 14 works well for the meeting dates.

**OTHER BUSINESS**

The City Clerk gave a brief update on the School Budget election which will be held on May 8. Shanna Cox also noted there will be a community meeting on May 3 at 6:30pm at Geiger School regarding an overview of the school budget.

**EXECUTIVE SESSION**

**VOTE (137-2018)**

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. Passed - Vote 7-0

Executive Session began at 8:15pm and ended at 8:38pm.

**VOTE (138-2018)**

Motion by Councilor Cloutier, seconded by Councilor Lajoie:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the Maine Association of Police – Patrol Unit and the Lewiston Police Supervisory Command Unit. Passed - Vote 7-0

Executive Session began at 8:38pm and ended at 9:05pm.

**VOTE (139-2018)**

Motion by Councilor Beam, seconded by Councilor Pettengill:

To adjourn at 9:05P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine