

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 18, 2018

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:30 P.M.

THE HONORABLE SHANE D. BOUCHARD, MAYOR, PRESIDING.

PRESENT: Mayor Bouchard, Councilors Lysen, Pettengill, Rea, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo. Absent/Excused: Councilors Lajoie and Cloutier. Note – In the absence of a City Councilor, the City Charter allows for the Mayor to vote.

Pledge of Allegiance to the Flag.

LEWISTON YOUTH ADVISORY COUNCIL UPDATE

Emma Williams introduced herself as the new LYAC president for the new school year. She noted they held an orientation in August with city staff members to learn about the city. They also have been reviewing new businesses within the city.

VOTE (248-2018)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To dispense with the reading of the minutes of the meeting of June 19, 2018 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

PUBLIC COMMENT PERIOD

Charles Soule, 135 Bartlett Street expressed concerns about the “rough summer” in the city noting there have been 30 different times guns have been shot in the downtown and he called for a task force to investigate the increase in gun crimes. He also said the 911 operators need to do a better job at taking down information and sending officers rapidly when a citizen calls in to report prostitution and drug dealing.

**APPOINTMENT OF CITY COUNCIL REPRESENTATIVE TO THE AUBURN
LEWISTON AIRPORT BOARD OF DIRECTORS**

VOTE (249-2018)

Motion by Councilor Lysen, seconded by Councilor Beam:

To receive Mayor Bouchard’s nomination and to appoint Councilor Marcotte as the City Council’s representative to the Auburn Lewiston Airport Board of Directors, said term to expire January 7, 2020. Passed - Vote 6-0

**APPOINTMENT TO THE LEWISTON HOUSING AUTHORITY BOARD OF
COMMISSIONERS**

VOTE (250-2018)

Motion by Councilor Lysen, seconded by Councilor Beam:

To confirm Mayor Bouchard's nomination and to appoint Theresa Samson, 15 Shank Street, as a member of the Board of Commissioners of the Lewiston Housing Authority, said term to expire September 17, 2023. Passed - Vote 6-0

APPOINTMENT TO THE LEWISTON AUBURN WATER POLLUTION CONTROL AUTHORITY

VOTE (251-2018)

Motion by Councilor Lysen, seconded by Councilor Beam:

To reappoint Normand R. Lamie of 234 Montello Street to serve as a member of the Lewiston Auburn Water Pollution Control Authority, said appointment to be retroactive to January 1, 2017, and said term to expire December 31, 2018. Passed - Vote 6-0

INDEFINITELY POSTPONE THE REQUEST TO AMEND THE TRAFFIC SCHEDULE TO ADD TWO STOP SIGNS AT MARK STREET AT THE INTERSECTION WITH GINA STREET

VOTE (252-2018)

Motion by Councilor Lysen, seconded by Councilor Beam:

To approve a motion to indefinitely postpone the request to amend the Traffic Schedule to add two stop signs at Mark Street at the intersection with Gina Street. Passed - Vote 6-0

AMENDMENT TO THE TRAFFIC SCHEDULE TO ADD A STOP SIGN AT JUDITH STREET AT THE INTERSECTION WITH MARK STREET

VOTE (253-2018)

Motion by Councilor Lysen, seconded by Councilor Beam:

To approve amendments to the Traffic Schedule to add a stop sign on Judith Street at the intersection with Mark Street. Passed - Vote 6-0

Mayor Bouchard took agenda item 15 out of order and addressed it at this time.

PUBLIC HEARING AND FINAL PASSAGE TO CONTRACTUALLY REZONE THE PROPERTY AT 230 BARTLETT STREET FROM THE HIGHWAY BUSINESS (HB) DISTRICT TO THE DOWNTOWN RESIDENTIAL (DR) DISTRICT

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 (254-2018)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To approve Final Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 230 Bartlett Street from the Highway Business (HB) District to the Downtown Residential (DR) District, subject to a contractual agreement.

Passed - Vote 6-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR A LIVE MUSICAL EVENT IN PETTENGILL PARK

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 (255-2018)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To conduct a public hearing on an application for an outdoor entertainment event for Pettingill Park, 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, for an outdoor music concert to be held at Pettingill Park on Thursday, September 27, 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 6-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR DAVE'S AMERICAN BUFFET, 40 EAST AVENUE

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 (256-2018)

Motion by Councilor Marcotte, seconded by Councilor Pettengill:

To authorize the City Clerk's Office to approve a new liquor license application for Dave's American Buffet, 40 East Avenue. Passed - Vote 6-0

PUBLIC HEARING ON A NEW APPLICATION FOR A NEW LIQUOR LICENSE FOR THE POP SHOPPE DINER, 413 MAIN 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 (257-2018)

Motion by Councilor Rea, seconded by Councilor Beam:

To authorize the City Clerk's Office to approve a new liquor license application for the Pop Shoppe Diner, 413 Main Street. Passed - Vote 6-0

PUBLIC HEARING ON APPLICATIONS FOR A NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR AGORA GRAND EVENT CENTER, 220 BATES 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 (258-2018)

Motion by Councilor Rea, seconded by Councilor Lysen:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Agora Grand Event Center, 220 Bates Street. Passed – Vote 6-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR FAST BREAKS, 1465 LISBON 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 (259-2018)

Motion by Councilor Marcotte, seconded by Councilor Pettengill:

To grant a Special Amusement permit for live entertainment to Fast Breaks, 1465 Lisbon Street. Passed - Vote 6-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR BAXTER BREWPUB, 130 MILL 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 (260-2018)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To grant a Special Amusement permit for live entertainment to Baxter Brewpub. 130 Mill Street. Passed - Vote 6-0

PUBLIC HEARING ON AN APPLICATION FROM DANA'S GARAGE, 193 CROWLEY ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

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 (261-2018)

Motion by Councilor Rea, seconded by Councilor Beam:

To grant an automobile graveyard/junkyard permit to Dana's Garage, 193 Crowley Road, subject to the condition that no more than 1,000 tires may be stored on the property. Passed - Vote 6-0

**PUBLIC HEARING ON AN APPLICATION FROM MAINE HEAVY EQUIPMENT,
1445 SABATTUS STREET, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD
PERMIT**

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 (262-2018)

Motion by Councilor Rea, seconded by Councilor Beam:

To grant an automobile graveyard/junkyard permit to Maine Heavy Equipment, 1445 Sabattus Street. Passed - Vote 6-0

**PUBLIC HEARING ON AN APPLICATION FROM GRIMMEL'S INDUSTRIES, 50
RIVER ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

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 (263-2018)

Motion by Councilor Beam, seconded by Councilor Rea:

To grant an automobile graveyard/junkyard permit to Grimmel's Industries, 50 River Road, subject to the following conditions:

- 1) The hours of operation shall be limited to 7:00am to 5:00pm, Monday through Saturday.
- 2) Maintain screening from the Maine Turnpike.

Passed - Vote 6-0

**PUBLIC HEARING ON AN APPLICATION FROM LEWISTON PUBLIC WORKS
DEPARTMENT, 424-482 RIVER ROAD, FOR AN AUTOMOBILE
GRAVEYARD/JUNKYARD PERMIT**

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 (264-2018)

Motion by Councilor Lysen, seconded by Councilor Rea:

To grant an automobile graveyard/junkyard permit to the Lewiston Public Works Department, 424-482 River Road. Passed - Vote 6-0

**PUBLIC HEARING ON AN APPLICATION FROM REENERGY LEWISTON LLC,
38 ALFRED A. PLOURDE PARKWAY, FOR AN AUTOMOBILE
GRAVEYARD/JUNKYARD PERMIT**

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 (265-2018)

Motion by Councilor Beam, seconded by Councilor Pettengill:

To grant an automobile graveyard/junkyard permit to Reenergy Lewiston, LLC, 38 Alfred A. Plourde Parkway, subject to the attached conditions:

1. Permit is granted for storage of construction and demolition debris (CDD), wood waste (includes demolition debris) and oversized bulky waste (OBW). CDD and OBW will consist of wood waste, sheetrock, insulation, metal, wire, aggregate products, dirt, sand, furniture, rugs, plastics, roofing materials, cardboard and any other large burnable household goods. Unacceptable materials are units containing CFC's, universal waste, municipal solid waste (MSW), hazardous materials, asbestos, and medical waste.
2. All wood waste and OBW which is to be placed in storage shall be piled no higher than 30'.
3. The width and length of the piles will be sized as indicated on the plan view of the back yard, but shall be no wider than 90' and no longer than 150'.
4. There shall be no more than nine (9) piles of wood waste and OBW at any time. OBW will not exceed two (2) piles.
5. Access rows or fire lanes shall be maintained between piles with a minimum distance of 30' between piles.
6. The main entrance roadway must be kept at a minimum of 24' of travel way at all times.
7. An additional access road or fire lane shall be maintained from Alfred A. Plourde Parkway at a minimum width of 20' to the storage area at all times.
8. All roads and fire lanes on the facility shall be of all weather surface adequately constructed to support fire apparatus likely to be operated on site at all times.
9. All storage pile locations shall be properly identified by the placement of a pole at the corner of the pile. A mark shall be placed at a height of 30' on the pole.
10. The site shall be designated no smoking throughout except office areas and control room. A no smoking sign shall be placed at the entrance to the facility.
11. Training of employees shall be provided on the use of fire protection equipment and fire reporting procedures on an annual basis.

12. ReEnergy Lewiston, LLC shall conduct a self-inspection of their activities and inspections shall be conducted on a weekly basis. Records of inspections shall be kept on site for Fire Prevention Bureau review when requested.
13. Pine trees shall be planted along the perimeter to provide a buffer and dead and/or missing trees shall be replaced promptly.
14. That the processing of pressure treated wood be done in full compliance with the EPA & DEP regulations.
15. An effective visual screen at least six feet in height shall be located and maintained around all sides of the area where junk is located such that these areas are entirely screened from ordinary view from all directly abutting properties and public ways at all times. The existing 'wood and pole' fence that was adjacent to 32 Plourde Parkway will be replaced with a 'screen-mesh and pole' fence of similar length and height. This new fence shall be properly maintained at all times, including the replacement of the 'screen-mesh and pole' should the material degrade such that an effective visual screen is no longer provided. Given that the proposed screening material represents a non-standard design with limited history on its performance, the City reserves the right to evaluate the screening integrity of the fence bi-annually and if it is determined that it no longer meets the requirements of the City Code of Ordinances, Article XII, Section 22-75(c) (1) and (2) and MRSA Title 30-A §3754-A it will need to be replaced.

Passed - Vote 6-0

CONDEMNATION HEARING FOR THE BUILDING LOCATED AT 1314 SABATTUS STREET

David Hediger, Director of Planning and Code Enforcement, and Tom Maynard, Code Enforcement Officer, provided their professional background credentials regarding their working knowledge of building codes and building safety. Mr. Hediger and Mr. Maynard then reviewed the City's efforts to communicate with the building owners and to work with them to resolve the numerous outstanding safety violations. They then outlined the condition of the building noting it is unsafe for habitation and is a danger to the neighborhood. They also showed photographs documenting the code violations and safety concerns. No members of the Council personally know the property owner and therefore do not have a conflict of interest for this hearing. No one representing the property owner was present for the hearing. The attorney for the mortgage holder was in communication with city staff earlier in the day and asked to have this item continued to allow the mortgage company additional time to review the building to determine needed repairs. City staff was in support of this request to extend the time to the next City Council meeting.

VOTE (266-2018)

Motion by Councilor Lysen, seconded by Councilor Beam:

To continue the hearing to the next City Council meeting to allow additional time for the mortgage holder to investigate the needed repairs to the building, as requested by the mortgage holder's attorney. Did Not Pass - Vote 2-4

VOTE (267-2018)

Motion by Mayor Bouchard, seconded by Councilor Lysen:

To amend Section 25 of the Order to read as follows:

25. That within thirty (30) days of service of this Order, the Owner and/or its successors and assigns shall demolish the Building, remove all debris, and stabilize the site, unless the Owner or mortgage holder provides a plan to the Director of Planning and Code Enforcement (“Director”) to rehabilitate the building and implements such plan within a reasonable time as determined by the Director, in which case the required demolition shall not occur provided the mortgage holder substantially completes the planned rehabilitation within the proposed time. If substantial completion does not so occur then the building shall be demolished within the thirty (30) days of such determination by the Director.

Passed - Vote 6-0

VOTE (268-2018)

Motion by Mayor Bouchard, seconded by Councilor Lysen:

With regard to the property at 1314 Sabattus Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition, as amended, proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City’s costs through a special tax or collective action. Passed - Vote 6-0

RESOLVE AUTHORIZING BUDGET TRANSFER FROM THE 2018 BOND ISSUE PREMIUM TO THE MARCOTTE PARK PLAYGROUND

VOTE (269-2018)

Motion by Councilor Marcotte, seconded by Councilor Pettengill:

To approve the Resolve authorizing the budget transfer from the 2018 Bond Issue Premium to the Marcotte Park Playground:

Whereas, on May 9, 2018, the 2018 Lewiston Capital Improvement Program bonds were sold generating \$250,433.06 in combined General Fund bond premium and interest; and

Whereas, upon commencing construction for the universally accessible playground at Marcotte Park, it was discovered that the aggregate base was not sufficient for the project and an emergency \$38,000 change order was approved by the Finance Director and the City Administrator; and

Whereas, the Marcotte Park playground equipment purchase has been completed; and

Whereas, other funding included in the project budget has a time-sensitive deadline to complete the project and drawdown the funding;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston, to approve the budget transfer of \$38,000 from the 2018 Bond Issue Premium to the Marcotte Park Playground.

Passed - Vote 6-0

REPORTS AND UPDATES

Councilor Rea reported that the School Committee will be meeting in Executive Session on September 24 to review the status of the recruitment efforts for a new Superintendent and on September 25 there will be the joint workshop with the Council regarding the budget process.

OTHER BUSINESS

Councilor Marcotte inquired about political signs noting he is seeing signs in locations that he believes are banned under the city ordinances, namely city parks. The Mayor stated the Public Works Oversight Committee will be starting up soon and he outlined a list of projects and programs they will be reviewing.

EXECUTIVE SESSION

VOTE (270-2018)

Motion by Councilor Lysen, seconded by Councilor Rea:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (C) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 6-0

Executive Session began at 8:25pm and ended at 8:48 pm.

VOTE (271-2018)

Motion by Councilor Lysen, seconded by Councilor Rea:

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

Executive Session began at 8:48pm and ended at 9:12 pm.

VOTE (272-2018)

Motion by Councilor Pettengill, seconded by Councilor Beam:

To adjourn at 9:12P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine