

CITY OF LEWISTON

CITY COUNCIL

JANUARY 22, 2019

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

Pledge of Allegiance to the Flag.

MAYORAL PROCLAMATION RECOGNIZING ITALIAN BAKERY

The Mayor presented a proclamation to Lisa Chiaravelotti, the recently retired owner/operator of The Italian Bakery. Her family established the bakery in 1960 and sold it late last year. The Mayor recognized this business as an institution within the City and a great family-run small business. Lisa thanked the Council for the recognition and said she was pleased to serve the customers all of these years.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

The Let's Go Eat event is coming up and so far the students have recruited seven restaurants to participate and are hoping for several more. The event will highlight and showcase the variety of Lewiston based restaurants.

VOTE (13-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

To dispense with the reading of the minutes of the meeting of January 8, 2019 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 ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE CAGE, 97 ASH 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 (14-2019)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To grant a Special Amusement Permit for live entertainment to The Cage, 97 Ash Street.
Passed - Vote 7-0

RESOLVE, ADOPTING AN UPDATED AND AMENDED PURCHASING POLICY

VOTE (15-2019)

Motion by Councilor Marcotte, seconded by Councilor Pettengill:

To approve the proposed amendments to the City's Purchasing Policy, City Policy Manual 46, as recommended by the City Administrator and the Finance Director. Passed - Vote 7-0

RESOLVE, APPROVING AN EXTENSION OF THE AGREEMENT WITH LWS DEVELOPMENT FOR THE PURCHASE AND SALE OF REAL ESTATE AT 188 LINCOLN STREET

Director of Economic and Community Development Lincoln Jeffers explained the background for the extension of this project, noting the historic tax credits cannot be issued by the federal government at this time due to the shutdown. Councilor Marcotte noted again he does not feel this is the highest and best use of the property.

VOTE (16-2019)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Resolve, Approving an Extension of the Agreement with LWS Development for the purchase and sale of real estate at 188 Lincoln Street:

Whereas, on October 3, 2017, the City Council authorized the City Administrator to execute a Purchase and Sale Agreement with LWS Development for the former Lincoln Street fire station located at 188 Lincoln Street; and

Whereas, in December 2017, the agreement was amended to allow for the sale of the property to close prior to the end of the calendar year due to concerns over the potential elimination of federal tax credits necessary for the project to be financially feasible; and

Whereas, legislation was passed extending the availability of historic tax credits, removing that threat to the project, and, as a result, rather than convey the property with a reversion clause, the Purchase and Sale was extended until June, 1, 2018; and

Whereas, that amended agreement required that the developer conduct environmental assessments, complete architectural renderings, secure a restaurant tenant acceptable to the City, and take the steps necessary to make the project eligible for Historic Tax Credits; and

Whereas, LWS Development has completed environmental assessments and architectural concept drawings on the property, removed accumulated debris within the building, taken the steps necessary for 188 Lincoln Street to be found eligible for the National Register of Historic Places, has executed a lease with Portland Pie to open a restaurant at this location, has secured a general contractor for the project, lined up bank and municipal financing for the project, and has secured buyers for the State and Federal Historic Tax Credits, and

Whereas, on May 22, 2018 the City Council authorized the extension of the Purchase and Sale Agreement until August 1, 2018, and the agreement was subsequently further extended until October 19, 2018, November 23, 2018 and January 31 2019; and

Whereas, closing on the real estate and financing cannot occur until the National Park Service approves Part 2 of the projects Historic Tax Credit application; and

Whereas, approval of the Part 2 Historic Tax Credit application is delayed because of the shutdown of the federal government, and an extended period awaiting approval is anticipated because of a backlog of applications pending as a result of the shutdown; and

Whereas, extension granted by the Council in November allowed for further extension of the agreement at the Council's discretion; and

Whereas, although the developer intends to close on the real estate and begin redevelopment of the building as soon as the Historic Tax Credit application is approved, they are requesting that the option be extended until June 28, 2019 because of the uncertainty of when the shutdown will end and to provide adequate time for the Part 2 application to be approved without seeking another extension of the agreement

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the City of Lewiston grants an extension of the purchase and sale agreement between the City and LWS until June 28, 2019.

Passed - Vote 6-1 (Councilor Marcotte opposed)

**ORDER AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER NINE
TO THE EMPLOYEE AGREEMENT BETWEEN THE CITY OF LEWISTON AND
EDWARD A. BARRETT**

VOTE (17-2019)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Order authorizing the Mayor to execute Amendment Number Nine to the Employment Agreement between the City of Lewiston and Edward A. Barrett:

Whereas, the City entered into an agreement with Edward A. Barrett on December 1, 2009 under which he assumed the position of City Administrator; and

Whereas, the Council wishes to adjust extend the term of the agreement until June 30, 2020 under the existing terms and conditions;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the Mayor is authorized to execute a ninth amendment to the employment agreement with Edward A. Barrett, a copy of which is attached hereto.

Passed - Vote 7-0

APPOINTMENT OF BOARD OF LIBRARY TRUSTEES

VOTE (18-2019)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To confirm the Mayor’s nomination of Mariah Pfeiffer of 168 Webster Street to serve as a member of the Board of Library Trustees and to appoint Ms. Pfeiffer as a member of the Board of Library Trustees for a three year term, said term to expire January 4, 2022. Passed - Vote 7-0

APPOINTMENTS TO THE VOTER REGISTRATION APPEALS BOARD

VOTE (19-2019)

Motion by Councilor Cloutier, seconded by Councilor Pettengill:

To appoint Gerald P. Berube, 34 Ashmount Street, as the chairperson of the Voter Registration Appeals Board for a four year term, said term to fill an existing vacancy and to expire April 1, 2020; to appoint Kiernan Majerus-Collins, 17 Jefferson Street to serve as the Democratic party representative for a three year term, said term to fill an existing vacancy and to expire April 1, 2021 and to appoint Michael Lachance of 183 Rosedale Street to serve as the Republican party representative for a three year term, said term to fill an existing vacancy and to expire April 1, 2021. Passed – Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 938 SABATTUS STREET

VOTE (20-2019)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 938 Sabattus Street:

Whereas, the owners, Ronald P. and Fleurette C. LaFlamme, failed to pay their bills on a timely basis for 938 Sabattus Street (Tax Map 90, Lot 234, Parcel 00-002236); and

Whereas, a tax lien was filed on June 16, 2016 (Book 9386 Page 312) and matured on December 16, 2017 in the amount of \$4,635.23; 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 938 Sabattus Street to the owner.

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Rea reported members of the public were encouraged to attend the upcoming “Meet & Greet” session with the final candidates for the position of Superintendent. The target date for the announcement of the new Superintendent is February 11. She also noted Monique Roy, Ward Two School Committee member, was voted as the Vice-Chair of the Committee.

OTHER BUSINESS

It was noted the Fire Station Update on the agenda is postponed pending additional information from the architects. No other business was presented at this time.

EXECUTIVE SESSION

The Executive Session scheduled for this meeting has been cancelled.

VOTE (21-2019)

Motion by Councilor Rea, seconded by Councilor Lysen:

To adjourn at 7:15 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine