

CITY OF LEWISTON

CITY COUNCIL

JUNE 18, 2019

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE ALICIA REA, PRESIDING OFFICER PRO TEM.

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

The City Clerk called the meeting to order and noted the Mayor is unable to attend the meeting due to the session being held at the Legislature this evening. The City Clerk then called the first item of business as the election of a Presiding Officer Pro Tem for this meeting.

Motion by Councilor Lajoie, seconded by Councilor Lysen:
To nominate Councilor Rea to serve as the Presiding Officer Pro Tem for this meeting.

With no other nominations presented, the nominated were closed.

VOTE (123-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To elect Councilor Rea to serve as the Presiding Officer Pro Temp for the meeting.

Passed - Vote 6-0

Pledge of Allegiance to the Flag.

MAYORAL PROCLAMATION RECOGNIZING LEWISTON HIGH SCHOOL GIRLS TENNIS TEAM – STATE CHAMPIONSHIP

Councilor Rea presented certificates of congratulations to the players and coaches of the LHS Girls Tennis Team.

MAYORAL RECOGNITION OF VOLUNTEERS FOR FLAG PLACEMENT AT VETERAN’S GRAVESITES

Councilor Rea presented certificates of appreciation to representatives of the following organizations that placed approximately 7,000 flags at individual veterans gravesites within the City:

- 1) Knights of Columbus Council 106, Reverend Louis J. Fortier chapter - approximately 1,600 flags at Riverside Cemetery and Grand Army of the Republic Cemetery
- 2) Liberty Festival Board of Directors and Albert & Burpee Funeral Home staff – approximately 1,200 flags at Mt. Hope Cemetery and Clough Cemetery
- 3) L/A Veterans Council – approximately 4,000 flags at St. Peter’s Cemetery

LEWISTON YOUTH ADVISORY COUNCIL UPDATE

There are six members who recently graduated from high school. The group held a poster contest for anti-bullying. Interviews were conducted for 9 open seats for next year. Thank you to the Lewiston Firefighters Association for their annual donation and sponsorship of LYAC.

VOTE (124-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To dispense with the reading of the minutes of the meetings of May 21 and June 4, 2019 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

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 CRAM AVENUE

VOTE (125-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

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

Whereas, the owners, Susan A. and Ross R. Anctil, failed to pay their bills on timely basis for 19 Cram Avenue (Tax Map 90, Lot 5, Parcel 00-010086); and

Whereas, a storm water lien was filed on April 5, 2016 (Book 9337 Page 121) and matured on October 5, 2017 in the amount of \$105.48; and

Whereas, a water lien was filed on April 5, 2016 (Book 9337 Page 60) and matured on October 5, 2017 in the amount of \$143.47; and

Whereas, a sewer lien was filed on April 5, 2016 (Book 9337 Page 31) and matured on October 5, 2017 in the amount of \$151.63; 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 Cram Avenue to the owner.

Passed - Vote 6-0

AMENDMENTS TO THE TRAFFIC SCHEDULE TO REMOVE ONE HOUR PARKING

ON A PORTION OF ASH STREET

VOTE (126-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To adopt the proposed amendments to the Traffic Schedule regarding the elimination of the One Hour Parking Time for a portion of Ash Street between Horton Street and Bartlett Street, as proposed by the Lewiston Police Department. Passed - Vote 6-0

AMENDMENT TO THE TRAFFIC SCHEDULE TO CREATE THREE FIFTEEN (15) MINUTE PARKING SPACES ON PARK STREET

VOTE (127-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve amendments to the Traffic Schedule regarding the creation of three Fifteen (15) Minute Parking Spaces on Park Street, as proposed by the Police Department. Passed - Vote 6-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE ACME SOCIAL CLUB, INC., 255 PARK STREET

Councilor Rea opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Councilor Rea then closed the hearing.

VOTE (128-2019)

Motion by Councilor Lysen, seconded by Councilor Beam:

To grant a Special Amusement Permit for live entertainment to the Acme Social Club, Inc., 255 Park Street. Passed - Vote 6-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE LIBERTY FESTIVAL

Councilor Rea opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Councilor Rea then closed the hearing.

VOTE (129-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To conduct a public hearing on an application from the Independence Day Committee for outdoor musical concerts to be held at Veteran's Memorial Park and surrounding areas on July 2, 3, 4, 5 and 6, as part of the Liberty Day Festival, 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 Independence Day Committee for the outdoor music 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 6-0

**PUBLIC HEARING & FINAL PASSAGE FOR LAND USE CODE AMENDMENTS
REGARDING THE CREATION OF THE LEWISTON COMMERCIAL
HISTORIC DISTRICT**

Councilor Rea opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Councilor Rea then closed the hearing.

VOTE (130-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

That the proposed amendments to Appendix A, Article XV, “Significant Buildings and Districts”, Section 6. “Designated Historic Structures and Historic Districts”, Subsection b2 “Lewiston Commercial Historic District”, of the City Zoning and Land Use Code, receive final passage by a roll call vote. Passed – Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS
REGARDING NURSERY SCHOOLS**

Councilor Rea opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Councilor Rea then closed the hearing. City Planner Doug Greene presented the background information on this item. Councilor Beam noted this is school and the students are there to learn and she was not in favor of removing nursery schools from the designation of academic institutions. Councilor Pettengill stated this amendment is a first step in the right direction.

VOTE (131-2019)

Motion by Councilor Lajoie, seconded by Councilor Pettengill:

That the proposed amendment to Appendix A, Article II, “Definitions” and Article XI, “District Regulations”, of the City Zoning and Land Use Code, concerning changes to the definition and classification of Nursery Schools, receive first passage by a roll call vote and to continue the public hearing to the next regularly scheduled City Council meeting for final passage.

Passed - Vote 6-0

**RESOLVE, REPLACING MASTER POLICY 21, EMPLOYEE PERFORMANCE
EVALUATION POLICY, WITH A REVISED POLICY**

VOTE (132-2019)

Motion by Councilor Lajoie, seconded by Councilor Pettengill:

To approve the Resolve, Replacing Master Policy 21, Employee Performance Evaluation Policy, with a Revised Policy:

Whereas, the City Council has recently adopted revised Personnel Rules and Regulations; and

Whereas, as a follow-up to that effort, staff is reviewing certain other related City Master Policies; and

Whereas, among these is the City’s current Employee Performance Evaluation Policy; and

Whereas, a revised policy has been developed that simplifies the current language and makes certain changes and adjustments to reflect current best practices.

Now, therefore, be it resolved by the City Council of the City of Lewiston that Master Policy 21, Employee Performance Evaluation Policy, is hereby replaced in full by the new Policy Dated 6/18/19 attached hereto.

Passed - Vote 6-0

RESOLVE, AMENDING THE TRAFFIC SCHEDULE TO DESIGNATE THE WEST SIDE OF MAIN STREET FROM ELM STREET TO CURTIS STREET “NO PARKING ANYTIME” SUBJECT TO CERTAIN CONDITIONS

Engineers for the developer stated they were available to answer questions and noted this agenda item is to designate a portion of one side of the street as “no parking”; this item is not to approve the entire project. Kathleen, a neighbor to the property, submitted a petition signed by residents of the area who are opposed to the elimination of on-street parking, noting the negative impact on other businesses and residents in the neighborhood. Residents expressed concern about pedestrian safety, limited parking options already, lack of sidewalks, increased traffic. Other speakers stated they are in favor of the establishment of the proposed business in this area.

VOTE (133-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve the Resolve, Amending the Traffic Schedule to designate the West Side of Main Street from Elm Street to Curtis Street “No Parking Anytime” subject to certain conditions:

Whereas, the City has been approached by a potential developer of the vacant property located at 420 Main Street; and

Whereas, based upon that developers initial plans and studies, the proposed development will require traffic lane realignments and parking changes on Main Street in the area of the development; and

Whereas, the concept plan calls for a three lane section on Main Street between Elm and Curtis Streets to accommodate traffic movements into and out of the site; and

Whereas, to do this, parking on the west side of Main Street between Elm and Curtis must be eliminated; and

Whereas, the intersection of Whipple and Main, which is included in this section, has been

identified by the Main Department of Transportation as a high crash location; and

Whereas, elimination of parking adjacent to the intersection and installation of a center turn lane is expected to have a positive impact on this intersection; and

Whereas, in order to proceed with planning and permitting, the developer has asked that the City indicate its willingness to authorize these parking and traffic pattern changes;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the Traffic Schedule is hereby amended to designate the west side of Main Street from Elm Street to Curtis Street “No Parking Anytime,” as shown on the attached memorandum from Sergeant St. Laurent, subject to the following conditions:

1. Site Plan Approval by the Planning Board for the proposed development at 420 Main Street;
2. Creation of a minimum of one handicap parking space on the Shapiro property at 410 Main Street at the corner of Main and Elm if this addition can meet the requirements of the City’s land development code;
3. Approval for the installation of a three lane section on Main Street between Elm and Curtis, including a center two-way turn lane and required adjustments to the three lane section between Holland and Elm, through the Maine Department of Transportation Traffic Movement Permit Process under the delegated authority to the City of Lewiston;
4. Widening Whipple Street adjacent to the development site to better accommodate parking on the North Side of the street, the cost of such work to be borne by the developer including all costs associated with widening the existing City right-of-way;
5. Installation by the developer of 420 Main Street of the necessary street markings to establish the proposed three lane section between Elm and Curtis along with “No Parking” signs on the west side of this section of Main Street at locations approved by the Director of Public Works or his designee.

Passed - Vote 6-0

ORDER, APPROVING THE ASSIGNMENT OF A PURCHASE AND SALE AGREEMENT FOR 188 LINCOLN STREET BETWEEN THE CITY AND LWS DEVELOPMENT LLC AND WILBUR & COMPANY TO 188 LINCOLN ST, LLC; AND TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE SAME

Councilor Marcotte noted that this is not the highest and best use of this property.

VOTE (134-2019)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

Order, Approving the Assignment of a Purchase and Sale Agreement for 188 Lincoln Street between the City and LWS Development LLC and Wilbur & Company to 188 Lincoln St, LLC; and to authorize the City Administrator to execute the assignment and other documents

associated with the sale as specified in the October 17, 2017 Purchase and Sale Agreement between the parties

Whereas, in October 2017 the City entered into a Purchase and Sale Agreement to convey 188 Lincoln Street, Lewiston, ME to LWS Development LLC and Wilbur & Company; and

Whereas, the Agreement has been extended six times; and

Whereas, the developer has met all of the requirements specified in the Purchase and Sale Agreement, including completing construction drawings, securing a creditworthy restaurant tenant for the street level space and securing financing to complete the project; and

Whereas, the buyers have formed a new Limited Liability Company, 188 Lincoln St, LLC, to which they desire to assign their rights to acquire 188 Lincoln Street and have requested that the City Council approve the assignment;

Now, therefore, be it ordered by the City Council of the City of Lewiston

To approve the assignment to 188 Lincoln St, LLC of the Purchase and Sale Agreement between the City and LWS Development LLC and Wilbur & Company, dated October 17, 2017 for the conveyance of 188 Lincoln Street, Lewiston, Maine, and to authorize the City Administrator to sign all documents and take all actions necessary to complete the sale of 188 Lincoln Street as described in the Purchase and Sale Agreement.

Passed - Vote 5-1

**AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AND RECORD A
DECLARATION OF ENVIRONMENTAL COVENANT ON THE FORMER SITE OF
THE ANDROSCOGGIN MILL #8**

VOTE (135-2019)

Motion by Councilor Pettengill, seconded by Councilor Lajoie:

To approve the Order, Authorizing the City Administrator to execute and record a Declaration of Environmental Covenant on the former site of the Androscoggin Mill #8:

Whereas, based on matured tax liens, the City took ownership of the former boiler house known as Androscoggin Mill #8, more explicitly identified as Lot 45, Unit F on Lewiston Tax Map 197, and described as Unit F in a declaration of the Androscoggin County Industrial Condominium, Inc. recorded in Book 1390, Page 153 in the Androscoggin County Registry of Deeds; and

Whereas, the building and associated parcel on which it stood were determined to be a Brownfield site through multiple Phase I and Phase II environmental assessments; and

Whereas, in 2008, the City received a \$200,000 Brownfield Clean Up Grant from the Environmental Protection Agency which was used to demolish the building and to take

appropriate mitigation measures to protect public health; and

Whereas, as a result of those efforts, the Maine Department of Environmental Protection (MDEP) issued a No Action Assurance letter on the property as part of its Voluntary Response Action Program (VRAP); and

Whereas, a requirement of the VRAP Program is that a *Declaration of Environmental Covenant* regarding 15 Canal Street and approved by the MDEP be recorded;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a *Declaration of Environmental Covenant*, in a form substantially as attached hereto, and to record the same at the Androscoggin County Registry of Deeds.

Passed - Vote 6-0

RESOLVE, AUTHORIZING THE TRANSFER OF \$210,000 FROM FY18 CAPITAL PROJECT FUND TO FUND THREE FY20 LCIP PROJECTS

VOTE (136-2019)

Motion by Councilor Marcotte, seconded by Councilor Lajoie:

To approve the Resolve, Authorizing Transfer of \$210,000 from FY18 Capital Project Fund to Fund Three FY20 LCIP Projects:

Whereas, the City Council reviewed and approved the FY20 fund balance appropriations and FY20 LCIP Program whereby three projects were identified and proposed to be funded through capital project surpluses; and

Whereas, the three projects identified for funding were \$100,000 for canal ownership improvements, \$50,000 for an infrastructure study to evaluate the condition of the police building and the department's space needs, and \$60,000 for the local share of Phase 2 Signal Upgrades at the following intersections: East Ave. at Malo, Pleasant, and Lisbon Streets, Shaw's Plaza, and Lisbon St. at Essex St.; and

Whereas, the FY18 capital project fund had a net \$216,295 in combined accumulated interest and bond premium after issuance costs as of June 30, 2018; and

Whereas, the City has an immediate need to spend outstanding bond proceeds and earnings derived from bonded projects in order to avoid potential arbitrage rebates to the Internal Revenue Service;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the amount of \$210,000 is hereby transferred from the following surplus fund balances: 2018 capital projects - \$210,000 with \$100,000 to FY20 Canal Improvements, \$60,000 to Signal Upgrades, and \$50,000 to the Police Station Study project.

Passed - Vote 6-0

REPORTS AND UPDATES

Councilor Rea reported the next School Committee meeting is Monday and the new Superintendent, Todd Finn, starts on July 1. Councilor Marcotte asked to have an update on the Kennedy Park Pool and the hours.

OTHER BUSINESS

The City Administrator announced that the City is celebrating World Refugee Day on Thursday at 5pm with an event in Simard-Payne Park and the public is invited to attend. Councilors also noted that July 4 is one of the few dates that fireworks can be discharged within the City.

EXECUTIVE SESSION

VOTE (137-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

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

Executive Session began at 8:37pm and ended at pm.

VOTE (138-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To adjourn at 8:52 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine