

CITY OF LEWISTON

CITY COUNCIL

NOVEMBER 19, 2019

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

THE HONORABLE KRISTEN S. CLOUTIER, MAYOR, PRESIDING.

PRESENT: Mayor Cloutier, Councilors Lysen, Pettengill, Rea, Lajoie, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo. Note: Under the City Charter, in the absence of a City Councilor, the Mayor may cast a vote.

EXECUTIVE SESSION

VOTE (286-2019)

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 7-0

Executive Session began at 6:00pm and ended at 6:18pm.

VOTE (287-2019)

Motion by Councilor Lajoie, seconded by Councilor Marcotte:

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 7-0

Executive Session began at 6:18pm and ended at 6:38pm.

VOTE (288-2019)

Motion by Councilor Beam, seconded by Councilor Pettengill:

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

Executive Session began at 6:38pm and ended at 6:58pm.

The Regular Meeting began at 7:00pm.

Pledge of Allegiance to the Flag.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Hope Rubino, chair of LYAC, noted their Trunk or Treat event had a good turnout. Their members will be meeting with the city's consultants as part of a focus group effort on branding.

MAYORAL PROCLAMATION – PANCREATIC CANCER AWARENESS MONTH

The Mayor read and issued a Proclamation regarding awareness of pancreatic cancer and the importance of screening tests.

MAYORAL PROCLAMATION – HONORING NATIONAL EDUCATION SUPPORT PROFESSIONALS DAY

The Mayor issued and read a Proclamation recognizing the important work done each day by education support staff within schools, noting most of their work is behind the scenes and direct one-on-one with students.

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 47 RUSSELL STREET

VOTE (289-2019)

Motion by Councilor Lajoie, seconded by Councilor Rea:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 47 Russell Street:

Whereas, the owners, Robert and Lisa True, failed to pay their bills on a timely basis for 47 Russell Street (Tax Map 193, Lot 113, Parcel 00-007910); and

Whereas, a tax lien was filed on June 15, 2016 (Book 9387 Page 154) and matured on December 15, 2017 in the amount of \$1,589.17; and

Whereas, a tax lien was filed on June 13, 2017 (Book 9615 Page 178) and matured on December 13, 2018 in the amount of \$2,385.41; and

Whereas, payment will be received in full at closing;

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 47 Russell Street to the new owner.

Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 1128 LISBON STREET

VOTE (290-2019)

Motion by Councilor Lajoie, seconded by Councilor Rea:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 1128 Lisbon Street:

Whereas, the owners, James and Timothy Wong and Tony Eng, failed to pay their bills on a timely basis for 1128 Lisbon Street (Tax Map 150, Lot 434, Parcel 00-000938); and

Whereas a tax lien was filed on June 18, 2008 (Book 7461 Page 342) and matured on December 18, 2009 in the amount of \$10,382.27; and

Whereas, a tax lien was filed on June 17, 2009 (Book 7721 Page 268) and matured on December 17, 2010 in the amount of \$10,460.40; and

Whereas, a tax lien was filed on June 16, 2010 (Book 7953 Page 135) and matured on December 16, 2011 in the amount of \$10,359.79; and

Whereas, a tax lien was filed on June 17, 2011 (Book 8182 Page 25) and matured on December 17, 2012 in the amount of \$10,467.30; and

Whereas, a tax lien was filed on June 13, 2012 (Book 8418 Page 131) and matured on December 13, 2013 in the amount of \$10,619.90; and

Whereas, a tax lien was filed on June 19, 2013 (Book 8700 Page 219) and matured on December 19, 2014 in the amount of \$10,630.33; and

Whereas, a tax lien was filed on June 18, 2014 (Book 8935 Page 137) and matured on December 18, 2015 in the amount of \$10,906.55; and

Whereas, a tax lien was filed on June 23, 2015 (Book 9165 Page 260) and matured on December 23, 2016 in the amount of \$10,983.97; and

Whereas, a tax lien was filed on June 15, 2016 (Book 9387 Page 181) and matured on December 15, 2017 in the amount of \$11,285.21; and

Whereas, a tax lien was filed on June 14, 2017 (Book 9615 Page 245) and matured on December 14, 2018 in the amount of \$11,354.26; and

Whereas, a storm water lien was filed on March 19, 2018 (Book 9803 Page 83) and matured on September 19, 2019 in the amount of \$666.38; and

Whereas, payment was received in full totaling \$108,116.36;

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 1128 Lisbon Street to the owner.

Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED AND ANY OTHER RELATED DOCUMENTS FOR THE SALE OF THE PROPERTY LOCATED AT 67 OAK STREET

VOTE (291-2019)

Motion by Councilor Lajoie, seconded by Councilor Rea:

To approve the Order, Authorizing the Execution of a Quit Claim Deed and any other required documents for the sale of the property at 67 Oak Street:

Whereas, the City condemned and demolished a structure at 67 Oak Street; and

Whereas, taxes on this property remained unpaid and a lien eventually matured, allowing the City to take possession; and

Whereas, the Planning Board recommended that the City sell this property and the Finance Committee recommended such sale be accomplished through the formal bid process; and

Whereas, bids were solicited and a single bid was received from the owners of an adjacent property who intend to use 67 Oak Street for open space to complement their property;

Now, therefore, be it ordered by the City Council of the City of Lewiston that staff is hereby authorized to execute a quit claim deed and any other required documents for the sale of the 67 Oak Street to Daniel and Jane Roux in return for their bid price of \$712.38 plus associated legal costs.

Passed - Vote 7-0

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED AND ANY OTHER RELATED DOCUMENTS FOR THE SALE OF THE PROPERTY LOCATED AT 175 STETSON ROAD

VOTE (292-2019)

Motion by Councilor Lajoie, seconded by Councilor Rea:

To approve the Order, Authorizing the Execution of a Quit Claim Deed and any other required documents for the sale of the property at 175 Stetson Road:

Whereas, the City condemned and demolished a structure at 175 Stetson Road; and

Whereas, taxes on this property remained unpaid and a lien eventually matured, allowing the City to take possession; and

Whereas, the Planning Board recommended that the City sell this property with a minimum price of \$25,680, the property's assessed value, and the Finance Committee recommended such sale be

accomplished through the formal bid process; and

Whereas, bids were solicited and one bid was received from Robert Raymond, a contractor who plans to construct a home for resale on this property with an estimated value of between \$225,000 and \$250,000; and

Whereas, given the investment planned for this property, the Council finds the price offered to be acceptable;

Now, therefore, be it ordered by the City Council of the City of Lewiston that staff is hereby authorized to execute a quit claim deed and any other required documents for the sale of 175 Stetson Road to Robert Raymond for \$22,000 plus closing costs for the purpose of constructing a home for resale with an estimated value of \$225,000 to \$250,000, with the proceeds to be credited to the General Fund.

Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (293-2019)

Motion by Councilor Lajoie, seconded by Councilor Rea:

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 items as outlined on the attached listing, less administrative fees or any portion thereof, in the cases of US Department of Justice Drug Enforcement Administration vs the cases outlined on the attached listing. Being funds forfeited pursuant to 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

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR FISH BONES AMERICAN GRILL, 70 LISBON ST

Mayor Cloutier 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 (294-2019)

Motion by Councilor Rea, seconded by Councilor Lysen:

To grant a Special Amusement Permit for live entertainment to Fish Bones American Grill, 70 Lincoln Street. Passed - Vote 7-0

ORDINANCE, AMENDING SECTION 50-19 OF THE CODE OF ORDINANCES – OFFENSES AND MISCELLANEOUS PROVISIONS – PROHIBITING THE USE OF

TOBACCO PRODUCTS IN DESIGNATED AREAS – LISBON STREET, ADAMS AVENUE TO MAIN STREET, BOTH SIDES

Mayor Cloutier opened the public hearing to receive citizen input and comment. Mary Caron of Healthy Androscoggin stated they will be working with Public Works on signage. Carl Sheline of 11 Morris Avenue spoke in favor of this change. David Dubord of 95 Cumberland St said he owns the building at 86 Lisbon St and he is in favor of the smoking ban. Mike Dostie of 4 Lisbon Street said the downtown association will work with Healthy Androscoggin for the signs. The Mayor then closed the hearing.

VOTE (295-2019)

Motion by Councilor Rea, seconded by Councilor Pettengill:

To approve final passage of the Ordinance, Amending Section 50-19 of the Code of Ordinances – Offenses and Miscellaneous Provisions – Prohibiting the Use of Tobacco Products in Designated Areas – Lisbon Street, Adams Avenue to Main Street, both sides.

Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE TRAFFIC AND VEHICLES ORDINANCE TO ESTABLISH A STUDENT DROP-OFF AND PICK-UP ZONE DESIGNATION

Mayor Cloutier 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 (296-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

That the proposed amendment to the City Code of Ordinances, Chapter 70, “Traffic and Vehicles”, Article IV “Stopping, Standing, and Parking”, Section 70-180 “Student Drop Off and Pick Up Only” receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE REGARDING ADULT USE AND MEDICAL MARIJUANA

Mayor Cloutier 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 (297-2019)

Motion by Councilor Rea, seconded by Councilor Lysen:

To conduct a public hearing and approve final passage of the proposal to repeal Article XV entitled “Medical Marijuana – Distribution and Cultivation” in the Business Ordinance and to replace it with the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article XV, “Adult Use and Medical Marijuana”, Sections 22-420 through 22-444.

Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE ZONING AND LAND USE CODE REGARDING ADULT USE AND MEDICAL MARIJUANA

Mayor Cloutier opened the public hearing to receive citizen input and comment. Dan Thayer of Auburn complimented staff on these ordinance amendments noting it is a complex issue. He also noted the definition and term of “inherently dangerous” conflicts with the state law. The Mayor then closed the hearing.

VOTE (298-2019)

Motion by Councilor Rea, seconded by Councilor Lysen:

To approve final passage for amendments to the City Code of Ordinances, Appendix A. “Zoning and Land Use Code”, Article II. “Definitions”, Article V. “Administration and Enforcement” and Article XI. “District Regulations”. Passed - Vote 6-1 (Councilor Marcotte opposed)

PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS REGARDING NURSERY SCHOOLS IN ADDITIONAL ZONING DISTRICTS

Mayor Cloutier 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 (299-2019)

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 final passage by a roll call vote.

Passed - Vote 7-0

ORDINANCE, AMENDING SECTION 50-19 OF THE CODE OF ORDINANCES – OFFENSES AND MISCELLANEOUS PROVISIONS – PROHIBITING THE USE OF TOBACCO PRODUCTS IN DESIGNATED AREAS - CENTRAL MAINE MEDICAL CENTER

Mayor Cloutier 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 (300-2019)

Motion by Councilor Lysen, seconded by Councilor Beam:

To approve the Ordinance, Amending Section 50-19 of the Code of Ordinances – Offenses and Miscellaneous Provisions – Prohibiting the Use of Tobacco Products in Designated Areas – Central Maine Medical Center. Passed - Vote 6-1 (Councilor Marcotte opposed)

ORDINANCE, AMENDING CHAPTER 2, ARTICLE III, DIVISIONS 12, 13 AND 14 OF THE CODE OF ORDINANCES – DEPARTMENT OF PUBLIC WORKS

Mayor Cloutier 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 (301-2019)

Motion by Councilor Rea, seconded by Councilor Pettengill:

To approve the Ordinance, Amending Chapter 2, Article III, Division 12, 13, and 14 of the Code of Ordinances – Department of Public Works. Passed - Vote 7-0

REQUEST TO APPROVE FIRST PASSAGE FOR PROPOSED AMENDMENTS TO EXISTING CONTRACT REZONING FOR PROPERTIES AT 10, 35 AND 37 AVON STREET AND TO REFER THE PROPOSAL TO THE PLANNING BOARD FOR THEIR REVIEW AND RECOMMENDATIONS

Mayor Cloutier opened the public hearing to receive citizen input and comment. James Bass, attorney for the Saxon Properties developers, provided a brief explanation of the project. The Mayor then closed the hearing.

VOTE (302-2019)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To approve First Passage of the proposal to amend the contract rezoning for the properties at 10, 35 and 37 Avon Street and to refer to the Planning Board for its review and consideration the proposal for an amendment to the contract rezoning for these three properties.
Passed - Vote 7-0

ORDER, REPLACING THE CITY MASTER POLICIES 40, TREEBATE, AND 62, TREE PLANTING POLICY, WITH A NEW TREE PLANTING POLICY, MASTER POLICY 62

VOTE (303-2019)

Motion by Councilor Rea, seconded by Councilor Lysen:

To approve the Order, Replacing the City Master Policies 40, Treebate, and 62 Tree Planting Policy, with a new Tree Planting Policy, Master Policy 62:

Whereas, the City currently has a number of separate policies and programs relating to planting and replacing trees in the community; and

Whereas, several members of the Council requested that these policies be reviewed with a view toward combining them into a single policy more readily accessible to the public and expanding the availability of certain programs to all residential properties in the City;

Now, therefore, be it ordered by the City Council of the City of Lewiston that City Master Policies 40, Treebate, and 62, Tree Planting Policy, are hereby repealed and replaced with a New Tree Planting Policy, Master Policy 62, a copy of which is attached hereto.

Passed - Vote 7-0

RESOLVE, AMENDING MASTER POLICY 81 – MISCELLANEOUS FEES AND PENALTIES – TO ESTABLISH PENALTIES FOR VIOLATIONS OF THE RENTAL REGISTRATION ORDINANCE

VOTE (304-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve the Resolve, Amending Master Policy 81 – Miscellaneous Fees and Penalties – to establish Penalties for Violations of the Rental Registration Ordinance:

Whereas, Upon the recommendations of the Ad-Hoc Committee on Rental Registration and following numerous discussions and detailed review, the City Council has adopted a no-fee rental registration ordinance; and

Whereas, this ordinance requires that all multi-family buildings with three or more rental units be registered with the City to ensure that the City has current information regarding these structures and the responsible parties associated with them; and

Whereas, to be effective, penalties must be established to ensure that these buildings do, in fact, register and that they comply with other requirements of this ordinance;

Now, therefore, be it resolved by the City Council of the City of Lewiston that City Master Policy 81, Miscellaneous Fees and Penalties, is hereby amended as follows:

Chapter 18, Article VI – Registration Requirements for Multi-Family Buildings – Penalties

The following civil penalties shall be imposed for the issuance of citations for violations of Section 18-94, Registration required:

Failure to register:

First month or portions thereof	\$50
Second through sixth month	\$100 per month or portion thereof
Months six through twelve	\$200 per month or portion thereof
Failure to post registration certificate	\$100 per occurrence

The following civil penalties shall be imposed for the issuance of citations for violation of Section 18-96, Registration Requirements:

Failure to timely provide updates to required information in 18-96 (a) Legal Owner or Owners; 18-96 (b) Business Operator; 18-96 (c) Property Manager; and 18-96 (d) Emergency Contact \$100 per occurrence

Passed - Vote 6-1 (Councilor Marcotte opposed)

AMENDMENTS TO THE CITY BUSINESS LICENSE FEE SCHEDULE POLICY REGARDING THE FEES FOR MARIJUANA BUSINESSES

VOTE (305-2019)

Motion by Councilor Lysen, seconded by Councilor Beam:

To approve the proposed amendment to the City Business Licensing Fee Schedule Policy, Policy Manual Number 7, as recommended by the City Administrator. Passed - Vote 7-0

ORDER, APPROVING THE HOME AGREEMENT WITH BLAKE & PINE LP AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE SAME

VOTE (306-2019)

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve the Order, Approving the HOME Agreement with Blake & Pine LP and authorizing the City Administrator to execute the same:

Whereas, Blake & Pine LP, in partnership with Pinecone Housing Corporation and Community Concepts, Inc., desires to build a 35 unit mixed income housing project at 111 Blake Street and 82 Pine Street in Lewiston, Maine; and

Whereas, the City Council approved an *Agreement for Development Assistance and Tax Increment Financing* between the City and Bates & Pine LP on August 13, 2019; and

Whereas, in that Joint Development Agreement, the City conditionally agreed to provide \$325,000 of HOME funds to assist with construction of the project pending an environmental Finding of No Significant Impact and Release of Funds from the U.S. Department of Housing and Urban Development; and

Whereas, that pledge of HOME funds was contingent upon Blake & Pine LP securing financing to construct the proposed project; and

Whereas, MaineHousing has committed \$4,871,513 in Low Income Housing Tax Credits and \$700,000 of grant subsidy; the Federal Home Loan Bank has committed \$500,000 of grant funding; and Norway Savings Bank has committed to \$979,428 in loans to fund construction of the project; and

Whereas, the attached *HOME Agreement and Declaration of Covenants and Restrictions* between the City and Blake & Pine LP specifies the obligations of each party related to the

commitment of City HOME funds, including but not limited to the timing of disbursement of HOME funds, income restrictions on tenants, restrictions on rents that can be charged, and how the property will be marketed and comply with federal fair housing requirements;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the attached *HOME Agreement and Declaration of Covenants and Restrictions* between the City and Blake & Pine LP is hereby approved and the City Administrator is authorized to execute the document on behalf of the City.

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

ORDER, AUTHORIZING STAFF TO TAKE STEPS TO DISPOSE OF THE MARTEL SCHOOL AND ASSOCIATE PROPERTY

VOTE (307-2019)

Motion by Councilor Rea, seconded by Councilor Pettengill:

To approve the Order, authorizing staff to take steps to dispose of the Martel School and associate property:

Whereas, the Martel School property is no longer required for educational purposes; and

Whereas, the Lewiston School Department has released this property back to the City; and

Whereas, recommendations have been solicited and received from both the Planning Board and the Finance Committee regarding the potential disposition of this property; and

Whereas, the Council has indicated its interest in soliciting proposals for reuse of this property while also identifying issues of potential interest to the Council regarding such issues as the future of the buildings and the possibility of retaining a portion of the property for open space and recreational purposes;

Now, therefore, be it ordered by the City Council of the City of Lewiston that City staff is hereby authorized to issue a request for proposal for the sale and reuse of the Martel School building and property subject to the request for proposals including the following requirements:

1. A clear outline of the intended purpose for which the property will be used;
2. Specifying whether the existing buildings will be reused, in whole or in part, or partially or fully demolished;
3. Specifying whether the proposal can be accommodated on the portion of the parcel fronting on Lisbon Street or whether the entire parcel is needed, is preferred (indicating the proposal can advance without it but would prefer it be included), or is not needed;
4. A proposed schedule for the reuse/redevelopment;
5. Supporting documentation for the financial feasibility of the project;
6. The amount to be paid to the City for the property.

The request for proposals shall solicit the information substantially as shown on the attached draft request for proposals.

Passed - Vote 7-0

ORDER, AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED AND ANY OTHER REQUIRED DOCUMENTS FOR THE SALE OF THE PROPERTY AT 86 NICHOLS STREET

Mayor Cloutier and Councilor Rea recused themselves from this item due to a conflict of interest regarding their place of employment. As such, the Council conducted a vote for Presiding Officer Pro-Tem to facilitate this agenda item. The City Clerk opened the floor for nominations. Councilor Lajoie was nominated and no others were nominated.

VOTE (308-2019)

Motion by Councilor Rea, seconded by Councilor Lysen:

To elect Councilor Lajoie to serve as the Presiding Officer Pro-tem for this agenda item.

Passed - Vote 7-0

Mayor Cloutier and Councilor Rea then moved to the audience. The Council was presented with two options for this item based upon the two bids that were received:

OPTION A

Staff is hereby authorized to execute a quit claim deed and any other required documents for the sale of 86 Nichols Street to Bates College for \$20,000 plus closing costs for an institutional use not yet known, including housing, parking, greenspace, a garden, etc., with the proceeds to be credited to the General Fund.

OPTION B

Staff is hereby authorized to execute a quit claim deed and any other required documents for the sale of 86 Nichols Street to Kevin and Erika Frisbee for \$14,800 plus closing costs for the purpose of providing parking to tenants of abutting properties owned by the Frisbees, with the proceeds to be credited to the General Fund.

Jeffrey Swift, Treasurer for Bates College, noted the College submitted a bid (Option A) and does not have any specific plans yet for the land but it might be green space and held for future development. Kevin Frisbee submitted the bid under Option B and said it would be used for parking for tenants in apartment buildings that he owns in the neighborhood.

Councilor Marcotte noted the highest and best use of the property would be Option B because the property will generate stormwater fees and taxes.

VOTE (309-2019)

Motion by Councilor Marcotte, seconded by Councilor Beam:

To approve the Order, authorizing the execution of a Quit Claim Deed and any other required documents for the sale of the property at 86 Nichols Street:

Whereas, the City condemned and demolished a structure at 86 Nichols Street; and

Whereas, taxes on this property remained unpaid and a lien eventually matured, allowing the City to take possession; and

Whereas, the Planning Board recommended that the City sell this property with a minimum price of \$14,800, the property's assessed value, and the Finance Committee recommended such sale be accomplished through the formal bid process; and

Whereas, bids were solicited and a two bids were received, one from Bates College for a not yet known institutional use and a second from the owners of three abutting multi-family properties with the intent to use this property for tenant parking; and

Whereas, after considering both proposals, the Council has determined the one that provides the greatest benefit to the City;

Now, therefore, be it ordered by the City Council of the City of Lewiston that staff is hereby authorized to execute a quit claim deed and any other required documents for the sale of 86 Nichols Street to Kevin and Erika Frisbee for \$14,800 plus closing costs for the purpose of providing parking to tenants of abutting properties owned by the Frisbees, with the proceeds to be credited to the General Fund.

Passed - Vote 5-0 (Mayor Cloutier and Councilor Rea abstained due to their recusal.)

RESOLVE, ACCEPTING AND APPROPRIATING A LEAD HAZARD CONTROL AND GREEN AND HEALTHY HOMES GRANT FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE REQUIRED GRANT AGREEMENTS

VOTE (310-2019)

Motion by Councilor Rea, seconded by Councilor Lysen:

To approve the Resolve, Accepting and Appropriating a Lead Hazard Control and Green and Healthy Homes Grant from the United States Department of Housing and Urban Development and authorizing the City Administrator to execute the required grant agreements:

Whereas, the City has been working diligently, together with other community partners, to address lead and other environmental hazards associated with our older housing stock; and

Whereas, these hazards can significantly affect the health of our residents, particularly our youth, resulting in future financial burdens on the School System, the City, and other levels of government; and

Whereas, as we complete the final year of our most recent lead grant, we have applied for and received a new, five-year grant of \$4,606,649 in Lead Hazard Control Funds and \$600,000 in Green and Healthy Homes Funds from the U.S. Department of Housing and Urban Development that will allow us to continue and extend this work; and

Whereas, these funds will support our efforts to make 225 multi-family units and 25 single family homes lead safe;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

There is hereby appropriated \$4,606,649 in Lead Hazard Control Grant Funds and \$600,000 Green and Healthy Homes Grant Funds to be placed in the appropriate accounts to be established by the Finance Director; and

Further, the City Administrator is authorized to execute the required grant agreements with the U.S. Department of Housing and Urban Development.

Passed - Vote 7-0

RESOLVE, CALLING UPON THE MAINE LEGISLATURE TO SUPPORT AND EXTENDED PRODUCER RESPONSIBILITY FOR PACKAGING LAW

VOTE (311-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To approve the Resolve, Calling Upon the Maine Legislature to support an Extended Producer Responsibility for Packaging Law:

Whereas, Maine’s communities are struggling to maintain, expand, and, in some cases, are eliminating recycling programs due to rising costs and difficult-to-manage materials; and

Whereas, product packaging, which includes plastic, metal, glass, and cardboard, constitutes approximately 30-40% of the materials managed by weight in Maine’s municipal waste management programs; and

Whereas, Maine taxpayers currently unfairly bear 100% of the cost and pay an estimate \$16 million to \$17 million each year to finance the management of this material through fragmented and increasingly expensive disposal or recycling options; and

Whereas, producers of product packaging have little incentive to minimize wasteful packaging or increase access to recycling, and there is no organized coordination between the producers of packaging and the municipalities that are responsible for disposing of or recycling the packaging materials; and

Whereas, producers of product packaging have taken some or all of the responsibility for managing post-consumer packaging in other parts of the world, including all European Union member states and five provinces in Canada, and, as a result, have greatly increased recycling

rates, expanded infrastructure investment, created jobs, and reduced taxpayer costs;

Now, Therefore, Be It Resolved, the City Council of the City of Lewiston supports an Extended Producer Responsibility (EPR) for Packaging law as endorsed by the Legislature in 2019 through the passage of LD 1431, A Resolve To Support Municipal Recycling Programs. We believe that this policy will work to make recycling in Maine:

More effective. Producers of packaging materials would have a direct economic incentive to produce less-wasteful packaging that can easily and profitably be managed by municipal recycling programs. Having shared responsibility between those who create the waste and those who manage the waste would foster recycling system improvements and enable greater participation in recycling across Maine; and

More sustainable. An EPR law for packaging is an insurance policy for Maine municipalities when global recycling markets are unfavorable. The current approach to recycling is not resilient to fluctuations in the global recycling market. When commodity prices fall unexpectedly, towns and cities may be forced to stop or restrict their programs; and

More equitable: Maine's cities, towns, and taxpayers are currently footing the bill for a problem they didn't create. With recycling reform, taxpayers will no longer pay for the cost of recycling since the net costs of recycling would be reimbursed -- and the packaging manufacturers that produce less-wasteful, more recyclable packaging would pay less than those who do not. This is a much more equitable way to distribute costs.

Be It Further Resolved, that the City Clerk shall provide copies of this Resolve to the Members of the Legislature's Committee on Environment and Natural Resources and the Lewiston Legislative Delegation.

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

REPORTS AND UPDATES

Councilor Rea reported the School Committee recently received an update from the Superintendent on his work so far and they were extremely impressed with his involvement in day to day operations and activities in the classrooms. Councilor Marcotte noted the Airport Board recently approved a four year capital improvement plan.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

The Executive Session, agenda item 25, was held before the meeting.

VOTE (312-2019)

Motion by Councilor Rea, seconded by Councilor Lysen:

To adjourn at 8:27 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine