

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 25, 2020

Note – The meeting of February 18, 2020 was postponed to February 25, 2020 due to a snowstorm.

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

THE HONORABLE MARK A. CAYER, MAYOR, PRESIDING.

PRESENT: Mayor Cayer, Councilors Khalid, Pettengill, Rea, Lajoie, Jensen, Clement and Gelinias, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (51-2020)

Motion by Councilor Khalid, seconded by Councilor Pettengill:

To enter into an Executive Session, pursuant to MRSA Title 1, Section 405 (6) (C), to discuss Disposition 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 6:00pm and ended at 6:18pm.

VOTE (52-2020)

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 Disposition 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 6:18pm and ended at 6:42pm.

VOTE (53-2020)

Motion by Councilor Jensen, seconded by Councilor Clement:

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 6:42pm and ended at 6:58pm.

THE HONORABLE MARK A. CAYER, MAYOR, PRESIDING.

PRESENT: Mayor Cayer, Councilors Khalid, Pettengill, Rea, Lajoie, Jensen, Clement and Gelinias, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

LEWISTON YOUTH ADVISORY COUNCIL UPDATE

Some members were interviewed on the local Big Z morning radio show to discuss their bullying awareness program which will be held at Geiger School on February 29. The group is meeting tomorrow to learn about the Maine Bicentennial Celebration.

INTRODUCTION OF THE CITY’S NEW YOUTH POET LAUREATE AND PERFORMANCE OF ORIGINAL POEM

Ryleigh Emmert, a sophomore at Lewiston High School, was named by the Mayor as the City’s Youth Poet Laureate, the second person to hold this position. She performed an original poem for the Council and public.

VOTE (54-2020)

Motion by Councilor Clement, seconded by Councilor Pettengill:

To dispense with the reading of the minutes of the meeting of February 4, 2020, to correct the vote on Vote #44 to reflect that Councilor Pettengill was opposed to the motion, and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

Dick Grandmason, 51 Jean Street, commented about the need for a City Community Center, noting that the Armory is not adequate to serve as a true community center.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (55-2020)

Motion by Councilor Rea, seconded by Councilor Lajoie:

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 \$1,163.67, or any portion thereof, in the case of the State of Maine vs. Gregory Simmons, CR-19-3180 Court Records; the transfer of \$797.00 or any portion thereof, in the case of the State of Maine vs. Scott Collins, CR-19-3471 Court Records; and the transfer of \$775.47 or any portion thereof, in the case of the State of Maine vs. Mathew St. Hilaire, CR-19-3755 Court Records, being funds forfeited pursuant to the 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

RECOMMENDATIONS FROM THE CITY CLERK/REGISTRAR OF VOTERS ON ACTIONS NECESSARY TO CONDUCT THE PRESIDENTIAL PRIMARY ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2020

VOTE (56-2020)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Presidential Primary Election to be held on Tuesday, March 3, 2020:

- A. That the hours for acceptance of registrations in person only, prior to the March 3rd election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:30am to 4:00pm, February 11 through March 2, 2020; and additional hours of 4:00pm – 7:00pm on Wednesday, February 26, 2020.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 8:00am, 2:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 7-0

**ORDER AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO PROHIBIT
VEHICLES WITH A GROSS VEHICLE WEIGHT GREATER THAN 23,000 POUNDS
FROM TRAVELING ON CERTAIN ROADS FOR THE PERIOD FROM
MARCH 2, 2020 TO MAY 1, 2020**

VOTE (57-2020)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Order Authorizing the Public Works Department to prohibit vehicles with a gross vehicle weight greater than 23,000 pounds from traveling on certain roads for the period from March 2, 2020 to May 1, 2020:

Whereas, this road posting is intended to prevent damage to road base and pavement during the critical period when the frost is thawing from the road base; and

Whereas, historically, this period is when the roads are the most susceptible to damage from heavy weight traffic; and

Whereas, the streets and roadways designated for weight limit posting are those with an open ditch drainage system and no underdrains; and

Whereas, the thirteen roads proposed for posting are as follows:

- Ferry Road – From Cottage Road to River Road
- River Road – From Ferry Road to the Solid Waste Facility
- Dyer Road – From Lisbon Road to Ferry Road
- Pinewoods Road - From Ferry Road to Town Line
- Gayton Road – From Lisbon Road to Town Line
- Webster Road – From Old Lisbon Road to Crowley Road
- Merrill Road from College Road to Main Street
- Sleeper Road – From Merrill Road to Town Line
- Randall Road – From Sunrise Lane to Grove Street

- Grove Street – From Randall Road to Town Line
- Old Greene Road – From North Temple Street to Town Line
- No Name Pond Road – From Old Greene Road to Town Line
- Pond Road – From Cherrywood Drive to No Name Pond Road
- Golder Road – From Sabattus Street to Pond Road
- South Lisbon Road – Crowley Road Eastward to Lisbon Street (east end of South Lisbon Road)
- Cotton Road – Lewiston/Lisbon Town Line to Ferry Road

Whereas, all vehicles or combination of vehicles 23,000 pounds or less, emergency response vehicles, school buses, fuel delivery trucks, State or municipal highway maintenance vehicles, or authorized vehicles under the direction of a public jurisdiction engaged in emergency maintenance of a public highway would be exempted; and

Whereas, this posting is in accordance with Lewiston City Ordinance 70-100.

Now, therefore, be it ordered by the City Council of the City of Lewiston that the Public Works Director is hereby authorized to post the streets identified above for weight limits through the spring thaw period beginning March 2, 2020 and ending May 1, 2020.

Be it Further Ordered, that The Director of Public Works is authorized to grant exceptions to these restrictions on a case by case basis if road conditions are favorable and to lift the restrictions earlier if weather and road conditions are favorable.

Passed - Vote 7-0

ORDER, TAKING POSSESSION OF THE FOLLOWING PROPERTIES AND AUTHORIZING THAT THEY BE OFFERED FOR SALE THROUGH THE COMPETITIVE BID PROCESS: 1028 SABATTUS STREET, 154 GOLDER ROAD, 76 SWITZERLAND AVENUE, 42 RAICHE STREET 4 WICKLOW PLACE, 8 DUMAIS AVENUE, 2 ROSLIN STREET, 1132 SABATTUS STREET AND 17 WHITE AVENUE

VOTE (58-2020)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Order, Taking Possession of the following properties and authorizing that they be offered for sale through the competitive bid process: 1028 Sabattus Street, 154 Golder Road, 76 Switzerland Avenue, 42 Raiche Street, 4 Wicklow Place, 8 Dumais Avenue, 2 Roslin Street, 1132 Sabattus Street and 17 White Avenue:

Whereas, tax liens have matured on ten parcels that are either unoccupied or vacant land; and

Whereas, numerous attempts have been made to contact the owners of these properties to seek collection of taxes owed through first class mail, certified mail, phone calls, and emails; and

Whereas, none of these attempts resulted in payment of amounts due or consistent compliance with negotiated payment arrangements; and

Whereas, as a result of matured tax liens, the City now legally owns these properties; and

Whereas, these properties should be offered for sale in an effort to recover amounts due to the city;

Now, therefore, be it resolved by the City Council of the City of Lewiston that staff is hereby directed to take possession of the following properties and offer them for sale through subject to the recommendation of the Finance Committee as to the method of disposition to be used: 1028 Sabattus Street, 154 Golder Road, 76 Switzerland Avenue, 42 Raiche Street, 4 Wicklow Place, 8 Dumais Avenue, 2 Roslin Street, 1132 Sabattus Street, 17 White Avenue.

Passed - Vote 7-0

RESOLVE, ADJUSTING THE PENALTIES ESTABLISHED BY POLICY FOR THE RENTAL REGISTRATION ORDINANCE FOR FAILURE TO REGISTER – DELAYING PENALTIES FOR ONE MONTH FOR THE FIRST YEAR OF THE PROGRAM

VOTE (59-2020)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Resolve, Adjusting the Penalties established by Policy for the Rental Registration Ordinance for Failure to Register – Delaying Penalties for one month for the first year of the program:

Whereas, the requirement that all three unit or larger multi-family rental properties be registered goes into effect March 1, 2020; and

Whereas, the program, including the registration form and instructions, was rolled out in late January with buildings required to be registered by the end of February; and

Whereas, recently, staff was contacted by a large property management firm that expressed concern that it would be difficult to register all of the buildings it is responsible for given the relatively short registration window; and

Whereas, since this is a new program, it seems reasonable to extend the period in which buildings must be registered to avoid a fine by an additional month.

Now, therefore, be it resolved by the City Council of the City of Lewiston that the penalties associated for failing to register a multi-family building covered under the City’s Rental Registration program are hereby delayed for a one month period for the initial year of the program. The initial penalty of \$50 would not apply until April with the subsequent penalty increases beginning in May.

Passed - Vote 7-0

APPOINTMENT TO THE VOTER REGISTRATION APPEALS BOARD

VOTE (60-2020)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To appoint Elizabeth Eames, 133 Lisbon 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.

Passed – Vote 7-0

PUBLIC HEARING ON APPLICATIONS FOR A NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR LA ARTS, 221 LISBON STREET

Mayor Cayer 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 (61-2020)

Motion by Councilor Rea, seconded by Councilor Pettengill:

To authorize the City Clerk’s Office to approve a new liquor license application and special amusement permit for LA Arts, 221 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR FRANCO AMERICAN HERITAGE CENTER, 46 CEDAR STREET

Mayor Cayer 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 (62-2020)

Motion by Councilor Rea, seconded by Councilor Jensen:

To grant a Special Amusement permit for live entertainment to Franco American Heritage Center, 46 Cedar Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE REGARDING THE ADOPTION OF THE STATE OF MAINE RULES FOR FOOD SERVICE ESTABLISHMENTS, SPECIAL FOOD HANDLERS, MOBILE UNITS AND CLASS A LOUNGES

Mayor Cayer 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 (63-2020)

Motion by Councilor Clement, seconded by Councilor Lajoie:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article

VI, “Food Service Establishments, Special Food Handlers, Mobile Units and Class A Lounges”, receive final passage by a roll call vote. Passed - Vote 7-0

ORDER, APPROVING THE ESTABLISHMENT OF THE 197/199 LISBON STREET – SCRUTON BLOCK TAX INCREMENT FINANCING DISTRICT AND PROGRAM, AND APPROVAL OF A DESIGNATION OF A TAX INCREMENT FINANCING DISTRICT AND CREDIT ENHANCEMENT DISTRICT

This item was originally scheduled on the February 18, 2020 City Council agenda. Since that meeting was postponed due to the snowstorm, the public hearing had to be re-advertised for a new date. The hearing will be March 3 and therefore this item was removed from the agenda.

ORDER, APROVING THE ESTABLISHMENT OF THE VALLEY BEVERAGE TAX INCREMENT FINANCING DISTRICT AND PROGRAM, AND APPROVAL OF A DESIGNATION OF A TAX INCREMENT FINANCING DISTRICT AND CREDIT ENHANCEMENT AGREEMENT

This item was originally scheduled on the February 18, 2020 City Council agenda. Since that meeting was postponed due to the snowstorm, the public hearing had to be re-advertised for a new date. The hearing will be March 3 and therefore this item was removed from the agenda.

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO NEGOTIATIONS FOR THE DISPOSITION OF THE FORMER MARTEL SCHOOL PROPERTY

Ronnie Paradis, 82 Prospect Street, spoke in support of the proposal to develop senior housing at this location, noting that Lewiston needs to work to be designated as an Age-Friendly Community. Matt Roy spoke and said the establishment of senior housing is consistent with the Comprehensive Plan and notes it will help need some of the local deman.

VOTE (64-2020)

Motion by Councilor Clement, seconded by Councilor Jensen:

To approve the Order, Authorizing the City Administrator to enter into negotiations for the disposition of the former Martel School Property:

Whereas, the School Committee has returned the former Martel School to the City since it is no longer required for educational purposes; and

Whereas, the Planning Board has recommended that this property be disposed of and the Finance Committee has recommended that this be done by way of competitive bids; and

Whereas, the City Council has discussed this property on several occasions and agreed to offer it for sale through competitive bids; and

Whereas, as a part of this process, the Council set forth certain requirements and preferences for bidders to consider and respond to; and

Whereas, three proposals have been received and the City Council has met with representatives of the proposers at a recent workshop session; and

Whereas, the City Council is prepared to select a proposer with whom to commence negotiations for this property;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to enter into negotiations with The Lewiston Housing Authority/Avesta Housing for the acquisition of the former Martel School property and to return to the City Council to review and seek approval of the final transaction agreement.

Passed - Vote 7-0

ORDER, AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE WITH AN UNNAMED DEVELOPER FOR THE TRANSFER AND REDEVELOPMENT OF THE PUMP HOUSE AT 49 BEECH STREET

Rachel Desgrossiliers from Museum LA expressed interest in working with the new owner noting their Museum is right in this same vicinity.

VOTE (65-2020)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Order, Authorizing the City Administrator to negotiate with an unnamed developer for the transfer and redevelopment of the Pump House at 49 Beech Street:

Whereas, the City has been approached by a capable developer who has expressed interest in the possible acquisition and redevelopment of the Pump House at 49 Beech Street; and

Whereas, the developer has expressed interest in reuse of this property as a coffee house/community gathering place as well as other possible uses; and

Whereas, the intention is to preserve the historic features of the property, including some of the remaining machinery once used for power generation, and to coordinate this effort with the City's overall plan for the area and with the owners of nearby properties including Museum LA, the Pamco Mill, and the Continental Mill; and

Whereas, the Planning Board has recommended that the City dispose of this property with the condition that the City include in the negotiations the needs of all interested parties including the adjacent owners and the Finance Committee has recommended that the process used be direct negotiation with the potential developer;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to Negotiate with an Unnamed Developer for the Transfer and Redevelopment of the Pump House at 49 Beech Street subject to final approval by the Council of any transfer and development agreements.

Passed - Vote 7-0

ORDER, AUTHORIZING THE ACCEPTANCE OF DOE RUN AS A PUBLIC STREET

VOTE (66-2020)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Order, Authorizing the acceptance of Doe Run as a public street:

Whereas, Doe Run has been constructed by a private developer in accordance with an approved subdivision plan and the City’s ordinances applicable to public streets; and

Whereas, the developer has submitted a formal request for the City to accept Doe Run as a City street and provided the documentation required in support of such an application; and

Whereas, the City Engineering Division has affirmed the street has been constructed to meet all requirements to allow street acceptance and recommends Doe Run be accepted as a City Street;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that Doe Run, as described in the attached legal description and sketch, is accepted as a City street. The City Administrator is authorized to execute or accept any/all documents to complete the transfer of the property to the City, including associated easements.

Passed - Vote 7-0

RECEIPT OF RECOMMENDATIONS FROM THE FINANCE COMMITTEE AND THE PLANNING BOARD ON THE FY2021 LEWISTON CAPITAL IMPROVEMENT PLAN BUDGET

VOTE (67-2020)

Motion by Councilor Lajoie, seconded by Councilor Clement:

To receive and review the recommendations from the Finance Committee and the Planning Board regarding the FY21 Lewiston Capital Improvement Plan. Passed - Vote 7-0

RESOLVE, ADOPTING THE FISCAL YEAR 2021 LEWISTON CAPITAL IMPROVEMENT PLAN

VOTE (68-2020)

Motion by Councilor Rea, seconded by Councilor Pettengill:

That pursuant to Article VI, Section 6.07 (d) of the City Charter, the City Council hereby approves the Resolve adopting the FY 2021 City of Lewiston Five-Year Capital Improvement Program, as prepared by the City Administrator:

Whereas, the City Charter requires that a capital improvement program be prepared annually for review by the Planning Board, Finance Committee, and City Council and be adopted by the City Council at least four months prior to the end of the current fiscal year; and

Whereas, the intent of such a program is to outline a five year plan to address the community's infrastructure and other capital improvement needs and, more specifically, to outline those projects anticipated for the coming year in advance of consideration of the annual budget; and

Whereas, adopting this plan will provide guidance to the Council and staff but does not constitute formal authorization to proceed with the projects included, the funding for which must be separately authorized by the City Council;

Now, therefore, be It Resolved by the City Council of the City of Lewiston, hat the FY2021 City of Lewiston Five-Year Capital Improvement Program is hereby adopted.

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Rea reported that the School Board had their first Saturday meeting on February 22 and are working on budget preparation with their budget workshops starting on Monday. The City Clerk provided an update on the upcoming March 3 Presidential Primary and Special State Referendum election, noting that all voting will take place at Longley School, the City is offering evening voting hours tomorrow night and the deadline to request an absentee ballot is 4pm on Thursday. Councilor Jensen reported the Recycling Committee is conducting a recycling survey so he encouraged people to be on the lookout for that. The City Administrator reminded the Council of their Planning Retreat coming up on February 29. Councilor Clement stated the Finance Committee has been reviewing some sight selection materials for city facilities.

OTHER BUSINESS

Councilor Rea requested a future workshop on the topic of City Hall hours.

EXECUTIVE SESSION

VOTE (69-2020)

Motion by Councilor Khalid, seconded by Councilor Jensen:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.

Passed - Vote 7-0

Executive Session began at 8:00pm and ended at 8:32pm.

VOTE (70-2020)

Motion by Councilor Rea, seconded by Councilor Jensen:

To adjourn at 8:32P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine