

# CITY OF LEWISTON

CITY COUNCIL

JUNE 7, 2011

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

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors Butler, Bernier, Poulin, Jean, O'Connell, Cayer and Morgan, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence.

6:00pm

### EXECUTIVE SESSION – REAL ESTATE NEGOTIATIONS

#### **VOTE (129-2011)**

Motion by Councilor Morgan, seconded by Councilor Bernier:

To enter into an Executive Session, pursuant to MRSA Title 1, Section (405) (6) (c), to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

Passed - Vote 7-0. Session began at 6:02pm and ended at 6:15pm.

A workshop regarding General Fund-Fund Balance began following the Executive Session and ended at 6:55pm.

### PUBLIC COMMENT PERIOD

Larry Morrissette of Auburn addressed the Council regarding freedoms and federal government regulations. Mayor Gilbert asked him to please keep his remarks to issues related to Lewiston city government. Mr. Morrissette became agitated and Mayor Gilbert declared a ten minute recess in the proceedings.

Eric Agren of Lisbon Street addressed the Council and said he recently purchased outdoor dividers for his outside seating area on the sidewalk at Fuel Restaurant on Lisbon Street. These dividers are a fence type structure with the Fuel logo. He was informed by Code Enforcement that this would constitute a sign and is not permitted. He is requesting a change in the City's Land Use Code to allow for the use of logos on outdoor dividers.

#### **VOTE (130-2011)**

Motion by Councilor Morgan, seconded by Councilor Butler:

To direct the Planning Board to review the request from Mr. Agren regarding the authority to place outdoor barricades with business logos on city sidewalks abutting the business and to consider an ordinance amendment to allow for this.

Passed - Vote 7-0

Shanna Rogers of 75 Maple Street representing the Neighborhood Housing League community thanked the City Council and staff for working together on various initiatives this past year and for creating a great partnership for the benefit of residents in the downtown area. She and several volunteers presented a Thank You banner and t-shirts to the Councilors.

Christine Houlton of 183 Summer Street spoke in support of the Sunnyside Trails and expressed concerns with parking and a need for a sidewalk on Riverside Street.

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (131-2011)**

Motion by Councilor Bernier, seconded by Councilor Cayer:

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 15% , less administrative fees, from the sale of four 50-ounce Ingots of solid silver (approx value \$4300) or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Erin Charlett (Seth Pruzansky), case reference CE-09-0012, 10-DEA-538649; the transfer of 15%, less administrative fees from the sale of assorted silver coins (approx. value \$37,296.20) or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Erin Charlett (Seth Pruzansky) case reference CE-09-0012, 10-DEA-538655; the transfer of 14%, less administrative fees, of \$4,155 or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Emily Losordo, case reference CE-09-0034, 11-DEA-543667; and the transfer of 14%, less administrative fees, of \$35,000 or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Timothy Carolan, case reference CE-09-0012, 11-DEA-544753. 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’, funds to be deposited in Account No. 590-3514050 at People’s Heritage Bank.

Passed - Vote 7-0

**ORDER – AUTHORIZING THE ACCEPTANCE OF DONATIONS FOR THE PURPOSE OF SPONSORING PERFORMING ARTS PROGRAMS FOR CHILDREN WITHIN THE LEWISTON AND AUBURN AREAS**

**VOTE (132-2011)**

Motion by Councilor Bernier, seconded by Councilor Cayer:

To approve the Order authorizing the acceptance of donations for the purpose of sponsoring the “Wednesdays in the Park” performing arts programs for children:

Whereas, the Lewiston Department of Recreation and the Auburn Parks and Recreation Department combine efforts to bring this wonderful Wednesdays In The Park program to the communities.

Whereas, Wednesdays In The Park celebrates it’s thirty-second season of performing arts.

Whereas, during the summer months, for five weeks various performers will entertain hundreds of children at different park sites throughout Lewiston and Auburn.

Whereas, local businesses and organizations donated funding and promotion to support the entire operating budget for the Wednesday’s In The Park program.

**2011 WEDNESDAYS IN THE PARK SPONSORS**

Androscoggin Bank	\$250
ACA Dr. Paul Fortier Chapter 52	\$75
Auburn Exchange club	\$500
Franco American War Veterans Inc. Post 31	\$50
Great Falls Security Systems	\$50
L/A Arts	Promotion
Lewiston Housing Authority	\$25
Liberty Mutual	\$1,000
Mechanics Savings Bank	\$250
Maine Family	\$50
Platz Associates	\$50
Sam’s Italian Sandwich Shoppes	\$50
Shaw’s	\$100
Tambrand’s	\$1,000
Wal Mart	<u>\$50</u>
<b>Total</b>	<b>\$3250</b>

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to accept the donations and promotion from local businesses and organizations that will allow the Wednesdays In The Park Program to operate.

Be it Further Resolved that the City Council expresses its thanks and appreciation to local businesses and organizations that have contributed funding and promotion to make this program possible.

Passed - Vote 7-0

**ORDER – AUTHORIZING A JOINT VENTURE AGREEMENT BETWEEN THE CITY OF LEWISTON AND ST. MARY’S HEALTH SYSTEMS, INC. TO PAVE A PORTION OF CAMPUS AVENUE**

Councilor Poulin inquired on the accuracy of the project bid estimate of \$85,000.

**VOTE (133-2011)**

Motion by Councilor Poulin, seconded by Councilor Bernier:

To approve an amendment to the Order to expend no more than \$85,000 for this project.

Passed - Vote 7-0

**VOTE (134-2011)**

Motion by Councilor Jean, seconded by Councilor O'Connell:

To approve the Order authorizing the City Administrator to execute a Joint Venture Agreement with St. Mary's Health Systems, Inc. to pave a portion of Campus Avenue:

Whereas, St. Mary's is nearing completion of a major hospital project that included a successful Joint Venture with the City to complete street and sidewalk realignment and storm-water separation along a portion of Campus Avenue; and

Whereas, St. Mary's has approached the City about sharing the cost of improving the paving on a section of Campus Avenue from the intersection of Campus Ave. and Sabattus St. to the entrance drive to the hospital's emergency room, a distance of approximately 1,000 Linear Feet; and

Whereas, the paving on this section of Campus Avenue is in poor condition and is on the City's backlog of streets with an estimated total cost of approximately \$85,000 for grinding, pavement prep, and finish paving for this section of the street; and

Whereas, St. Mary's has offered to pay half of the project's actual costs with a not-to-exceed amount of \$42,500.

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute a joint venture agreement with St. Mary's Health System, Inc. to pave the section of Campus Avenue from Sabattus St. to the hospital's emergency room entrance drive, a distance of approximately 1,000 Linear Feet, subject to approval of the necessary funds for the City share of the project as a part of the LCIP Bond Authorization and to expend no more than \$85,000 on this project.

Passed - Vote 7-0

**PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR BOA THAI SUSHI RESTAURANT, 703 SABATTUS STREET**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke or against this action. Mayor Gilbert then closed the hearing.

**VOTE (135-2011)**

Motion by Councilor Cayer, seconded by Councilor Butler:

To authorize the City Clerk's Office to approve a new liquor license application for BOA Thai

Sushi Restaurant, 703 Sabattus Street.

Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE CHURCH GOSPEL CONCERT MUSICAL EVENT**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke or against this action. Mayor Gilbert then closed the hearing.

**VOTE (136-2011)**

Motion by Councilor Butler, seconded by Councilor Bernier:

To conduct a public hearing on an application for an outdoor entertainment event for the Church Gospel Concert, 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, to the First Assembly of God Church for outdoor music concerts to be held at Kennedy Park on July 17 and August 28, 2011, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

Passed - Vote 7-0

**ORDER – AUTHORIZING THE CITY ADMINSTRATOR TO EXECUTE AN AGREEMENT FOR THE USE OF LEWISTON’S SOLID WASTE & RECYCLING FACILITY FOR SINGLE STREAM RECYCLABLE MATERIAL**

Public Works Director David Jones provided information on the background for this item.

**VOTE (137-2011)**

Motion by Councilor Jean, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator to execute an Agreement for the use of Lewiston’s Solid Waste & Recycling Facility for Single Stream Recyclable material:

Whereas, Lewiston has provided processing & marketing services for presorted recyclable materials to regional towns since June 1990 for the purpose of promoting recycling and off setting the expense of this service to Lewiston residents; and

Whereas, the agreements for processing & marketing of pre-sorted recyclable materials with regional towns provided for a distribution of any revenue derived from the sale of these materials after any expenses for processing & marketing had been deducted; and

Whereas, the Lewiston City Council authorized a resolve to change the City’s recycling program (Vote 21-2011) for the purpose of increasing the types of solid waste materials that can be recycled and reducing the expense of providing this service by converting from pre-sort recycling to “Single Stream Recycling”; and

Whereas, the change from pre-sort recycling to “Single Stream Recycling” required termination of the existing agreements maintained between Lewiston and regional towns for processing & marketing of their pre-sorted recyclable material and developing new agreements for accepting and consolidating their “Single Stream Recyclable Material”; and

Whereas, the new agreements for “Single Stream Recycling” do not currently hold a provision to either charge regional towns for accepting & consolidating their “Single Stream Recyclable Material” nor does the agreement provide for the distribution of any revenue derived from the sale of said material.

Now, Therefore, Be It Ordered By the City Council of the City of Lewiston that the City Administrator is authorized to execute Agreements with other municipalities and organizations in a form substantially the same as that attached hereto for the use of the City’s Solid Waste & Recycling Facility for the purpose of accepting and consolidating “Single Stream Recyclable Materials” generated outside Lewiston’s geographical boundaries, as required in Section 62-16 of Lewiston’s Code of Ordinance.

Passed - Vote 7-0

**RESOLVE – CLOSING THE LINCOLN STREET ALLEY BRIDGE AND AMENDING THE CITY’S TRAFFIC SCHEDULE TO ACCOMMODATE THIS ACTION**

**VOTE (138-2011)**

Motion by Councilor Jean, seconded by Councilor Bernier:

To approve the Resolve closing the Lincoln Street Alley Bridge and amending the City’s Traffic Schedule to accommodate this action:

Whereas, in May, the Public Works Department evaluated the condition of the Lincoln Street Alley Bridge and determined that it was no longer safe to carry vehicles; and

Whereas, given this, the Public Works Director temporarily closed the bridge and eliminated the one-way signs on this portion of the alley in order to allow continued access to the rear of these properties; and

Whereas, the Public Works Director then notified all affected property owners abutting Lincoln St. Alley between Chestnut and Cedar Streets of this action and requested comments and suggestions; and

Whereas, to date, no comments or suggestions have been received; and

Whereas, funding is not available to make repairs to the bridge; and

Whereas, given the low utilization of this alley, undertaking permanent repairs to this bridge would not be cost effective;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the Lincoln Street Alley Bridge spanning Cross Canal #2 is hereby permanently closed to vehicular traffic.

Be it Further Resolved, that Section 4 of the City's Traffic Schedule – One Way Street Lincoln Street Alley -- is amended by replacing "Travel only in a southerly direction" with "Travel only in a southerly direction Cross Street to Oxford St and Beech Street to Chestnut Street".

Passed - Vote 7-0

**RESOLVE – ENDING FULL SERVICE PRIVATE AUTOMOBILE SALE REGISTRATIONS**

**VOTE (139-2011)**

Motion by Councilor Cayer, seconded by Councilor Bernier:

To approve the Resolve ending full service private automobile sales registrations:

Whereas, full service private auto sale registrations are new registrations necessary when one private individual purchases an automobile from another private individual; and

Whereas, approximately 10 ten years ago, the City assumed the State Department of Motor Vehicles' responsibility to provided full service registrations to new dealer auto sales; six years ago private auto sale full registration service was added; and

Whereas, private sale auto registrations are a time consuming transaction involving significant paperwork including the collection of sales tax and title processing on behalf of the state; and

Whereas, such registrations account for less than 10% of our total auto registration transactions; and

Whereas, the Department of Motor Vehicles recognizes that such registrations are its responsibility and is prepared to once again assume this duty; and

Whereas, reductions in staffing in the Treasury Office have increased customer waiting times during peak periods, an outcome that is exacerbated when private sale registrations are involved; and

Whereas, suspending this service will assist the Office in balancing customer service with current fiscal restraints; and

Whereas, the possible re-establishment of this service will be evaluated on a periodic basis and staffing resources become available to support the time required to process them;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that effective July 1, 2011, the Treasury Office will suspend processing full service private vehicle sale registrations

until such time as adequate staff resources are available.

Passed - Vote 6-1 (Councilor Bernier opposed.)

**REPORTS AND UPDATES**

The City Administrator stated the city has a 2011 tax lien on the property at 299 Webster Street, the property owner has been in prison since 2005 and the property is abandoned to the best of the City's knowledge. There is an IRS lien for a civil judgment against the owner. It is the City's intention to go to Court to get title cleared to the property so it can be sold.

**OTHER BUSINESS**

No Other Business was presented at this time.

**VOTE (140-2011)**

Motion by Councilor Jean, second by Councilor O'Connell:

To adjourn at 7:35 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine