

CITY OF LEWISTON

CITY COUNCIL

MARCH 20, 2012

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

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D' Auteuil, Libby, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (86-2012)

Motion by Councilor D' Auteuil, seconded by Councilor Cayer:

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 6:03pm and ended at 6:15pm

EXECUTIVE SESSION

VOTE (87-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

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 6:35pm

EXECUTIVE SESSION

VOTE (88-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

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 6:39pm and ended at 6:54pm.

Regular Meeting began at 7:00pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D' Auteuil, Libby, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

**MAYOR’S PROCLAMATION – CELEBRATING THE 100TH ANNIVERSARY OF
GIRL SCOUTS OF AMERICA**

The Mayor issued a Proclamation to a local Girl Scout troop honoring the 100th Anniversary of the national organization.

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time period.

**ANNUAL APPOINTMENT FOR THE LEWISTON – AUBURN RAILROAD COMPANY
BOARD OF DIRECTORS**

VOTE (89-2012)

Motion by Councilor Cayer, seconded by Councilor Butler:

To accept the nominations from the Lewiston Auburn Railroad Board of Directors and to elect the following residents to serve on the Lewiston Auburn Railroad Company Board of Directors:

- 1) Richard Albert, three year term expiring April 2015
- 2) Marc Pellerin, three year term expiring April 2015.

Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (90-2012)

Motion by Councilor Cayer, seconded by Councilor Butler:

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 the proceeds of the sale of one Smith & Wesson semi-automatic .40 cal. pistol, serial #TFF9813, less administrative fees, or any portion thereof, in the case of the State of Maine vs. Vincent Steed, CR-06-431; the transfer of \$989.00, less administrative fees, or any portion thereof, in the case of State of Maine vs. Alphonso Belnavis, CR-12-137; the transfer of 18% of \$6,300, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Elizabeth Moustrouphis, CE-11-0052, Ex N-4, 11-DEA-552565; the transfer of 10% fo \$6850 less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Eric Czerwinski, CE-11-0061, Ex N-3, 12-DEA-556619 and the transfer of 7.25% of \$2,008, less administrative fees, or any portion there of, in the case of the US Department of Justice Drug Enforcement Administration vs. James Bricchetto CE-11-0027, 12-DEA-559555. 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’. Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE DERBY
ATHLETIC ASSOCIATION, 37 PARK STREET**

VOTE (91-2012)

Motion by Councilor Libby, seconded by Councilor Cayer:

To grant a special amusement permit for live entertainment to the Derby Athletic Association, 37 Park Street. Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
10 COLLEGE STREET**

Gil Arsenault, Director of Planning and Code Enforcement, and Tom Maynard, Code Enforcement Officer, provided their professional background credentials regarding their working knowledge of building codes and building safety. Mr. Arsenault and Mr. Maynard then reviewed the City's efforts to communicate with the building owners and to work with them to resolve the numerous outstanding safety violations. They then outlined the condition of the building noting it is unsafe for habitation and is a danger to the neighborhood. They also showed photographs documenting the code violations and safety concerns.

VOTE (92-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

To accept the Findings of Fact regarding the building at 10 College Street to be a dangerous building as defined by state statutes, to adopt the Order of Demolition and to order the corrective action for the property owner which establishes the time frame in which the corrective action must be completed, and to authorize the City Administrator to take necessary actions to implement the corrective action as determined by the Municipal Officers, should the property owner fail to comply with the Council abatement order. Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
305 BATES STREET**

Gil Arsenault, Director of Planning and Code Enforcement, and Tom Maynard, Code Enforcement Officer, provided their professional background credentials regarding their working knowledge of building codes and building safety. Mr. Arsenault and Mr. Maynard then reviewed the City's efforts to communicate with the building owners and to work with them to resolve the numerous outstanding safety violations. They then outlined the condition of the building noting it is unsafe for habitation and is a danger to the neighborhood. They also showed photographs documenting the code violations and safety concerns.

VOTE (93-2012)

Motion by Councilor Libby, seconded by Councilor Butler:

To accept the Findings of Fact regarding the building at 305 Bates Street to be a dangerous building as defined by state statutes, to adopt the Order of Demolition and to order the corrective action for the property owner which establishes the time frame in which the corrective action

must be completed, and to authorize the City Administrator to take necessary actions to implement the corrective action as determined by the Municipal Officers, should the property owner fail to comply with the Council abatement order. Passed - Vote 7-0

RESOLVE – AUTHORIZING THE TRANSFER OF \$164,852 FROM THE 2012 SEWER JEPSON BROOK PROJECT TO THE 2012 SEWER OAK STREET SEPARATION PROJECT AND A \$164,852 TRANSFER FROM THE 2012 STORMWATER JEPSON BROOK PROJECT TO THE 2012 STORMWATER OAK STREET SEPARATION PROJECT

VOTE (94-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

To approve the Resolve authorizing the transfer of \$164,852 from the 2012 Sewer Jepson Brook Project to the 2012 Sewer Oak Street Separation Project and a \$164,852 Transfer from the 2012 Stormwater Jepson Brook Project to the 2012 Stormwater Oak Street Separation Project:

Whereas, the combined Oak Street project authorizations total \$750,000; and

Whereas, current estimated total project expenses amount to \$1,079,704, producing a \$329,704 project shortfall; and

Whereas, given the ability to defer parts of the Jepson Brook projects until future funding is available, currently authorized Jepson Brook funds are available to cover the Oak Street project deficit;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the transfer of \$164,852 from the 2012 Sewer Jepson Brook project and \$164,852 from the 2012 Stormwater Jepson Brook project to the 2012 Stormwater Oak Street Separation Project is hereby authorized.

Passed - Vote 7-0

REPORTS AND UPDATES

- 1) Androscoggin County Dispatch – The City Administrator provided an update on the status of this issue.
- 2) Proposed Changes to the General Assistance Program – The Social Services Director provided an update on this issue.

OTHER BUSINESS

No Other Business was presented at this time.

EXECUTIVE SESSION

VOTE (95-2012)

Motion by Councilor Saddlemire, seconded by Councilor Cayer:

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

Session began at 9:30pm and ended at 10:12pm

VOTE (96-2012)

Motion by Councilor Christ, second by Councilor Desjardins:

To adjourn at 10:13P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine