

CITY OF LEWISTON

CITY COUNCIL

APRIL 3, 2012

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

Pledge of Allegiance to the Flag.
Moment of Silence.

PUBLIC COMMENT PERIOD

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

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR DAVINCI’S 150 MILL STREET**

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

VOTE (97-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

To grant a special amusement permit for live entertainment to Davinci’s, 150 Mill Street.
Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS
CONCERNING THE PLACEMENT OF POLITICAL CAMPAIGN SIGNS**

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

VOTE (98-2012)

Motion by Councilor Cayer, seconded by Councilor Butler:

That the proposed amendment to Appendix A, Article XII, “Performance Standards”, Section 16, “Signs”, of the City Zoning and Land Use Code, concerning authorization for city staff to remove illegally placed political signs, receive final passage by a roll call vote. Passed - Vote 7-0

**CONTINUATION OF CONDEMNATION HEARING FOR THE BUILDING LOCATED
AT 220 PARK STREET**

VOTE (99-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

To continue the condemnation hearing and to postpone action on the Order of Condemnation for the property at 220 Park Street to a future City Council meeting. Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
81 LINCOLN 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 (100-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

To accept the Findings of Fact and Conclusions of Law as presented to the City Council regarding the building at 81 Lincoln Street to be a dangerous building as defined by state statutes, to adopt the Order of Condemnation and 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 67 OAK 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 (101-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To accept the Findings of Fact and Conclusions of Law as presented to the City Council regarding the building at 67 Oak Street to be a dangerous building as defined by state statutes, to adopt the Order of Condemnation and 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

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A
COLLECTIVE BARGAINING AGREEMENT WITH THE POLICE SUPERVISORY
COMMAND UNIT**

VOTE (102-2012)

Motion by Councilor Saddlemire, seconded by Councilor Libby:

To approve the Order authorizing the City Administrator to execute a Collective Bargaining Agreement between the City of Lewiston and the Lewiston Police Supervisory Command Unit, said agreement being for the period of July 1, 2012 to June 30, 2013:

Whereas, the City and the Police Supervisory Command Unit representatives have worked diligently over the last two years to develop a new collective bargaining agreement; and

Whereas, all who participated in the development of the Police Supervisory Command Unit collective bargaining agreement believe that all sides have produced a contract which is sensitive to the current economic climate and reflects the organizational goals and objectives of both the city and the Police Supervisory Command Unit;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute the new FY 2011-2013 Police Supervisory Command Unit collective bargaining agreement and is authorized to approve any final administrative and non-substantive amendments as needed.

Passed - Vote 7-0

**RESOLVE ADOPTING ANDROSCOGGIN COUNTY 2011 HAZARD
MITIGATION PLAN**

VOTE (103-2012)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Resolve adopting the Androscoggin County 2011 Hazard Mitigation Plan:

Whereas, natural and man-made disasters may occur at any time, we recognize that to lessen the impacts of these disasters we will save resources, property and lives in Androscoggin County;

And whereas the creation of a Hazard Mitigation Plan is necessary for the development of a risk assessment and effective mitigation strategy;

And whereas the two cities and twelve towns and Androscoggin County are committed to the mitigation goals and measures as presented in this plan;

Therefore, the Androscoggin County Commissions, and the Board of Selectmen or City Councilors of the fourteen municipalities hereby adopt the 2011 Androscoggin County Hazard Mitigation Plan.

Passed - Vote 7-0

**RESOLVE CALLING ON THE ANDROSCOGGIN COUNTY COMMISSIONERS TO
ADOPT A DISPATCH PLAN THAT ELIMINATES THE PAYMENTS MADE BY
LEWISTON AND AUBURN FOR SERVICES OTHER THAN THOSE REQUIRED TO
BE PROVIDED BY THE COUNTY**

VOTE (104-2012)

Motion by Councilor Libby, seconded by Councilor Saddlemire:

To grant County Commissioner Makas's request and to postpone action on this item until the first City Council meeting in May.

Did Not Pass - Vote 2-5 (Councilors Libby and Saddlemire in favor, others opposed)

VOTE (105-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

To approve the Resolve calling on the Androscoggin County Commissioners to adopt a Dispatch Plan that eliminates the payments made by Lewiston and Auburn for services other than those required to be provided by the County:

WHEREAS, Lewiston and Auburn have long recognized that we subsidize emergency dispatch services to other communities that are subsidized through the County tax; and

WHEREAS, both communities have consistently supported consolidation of dispatch services in order to enhance public safety, provide fiscal benefits, and address the current inequity in dispatch funding; and

WHEREAS, for the last decade, elected officials, senior administrators, and the heads of public safety agencies within the county have held discussions regarding consolidation of dispatch services; and

WHEREAS, the cities of Auburn and Lewiston have advanced options for consolidating the dispatch of virtually all law enforcement, fire, and EMS services in the county and to finance them in a fair and equitable manner while providing for continued and unfragmented services; and

WHEREAS, such an alternative cost sharing proposal would mark a major milestone in inter-governmental cooperation in Androscoggin County and would enhance public safety, improve coordination of emergency response, and maximize efficient use of public resources; and

WHEREAS, other proposed plans have also come forward that do not achieve the goal of consolidated services and which may or may not eliminate the current subsidy paid by Lewiston and Auburn through the County tax; and

WHEREAS, while there is renewed interest on the part of the Commissioners on reaching a decision on the future of County dispatch, they have not yet been able to reach agreement on a plan;

NOW THEREFORE, be it resolved by the City Council of the City of Lewiston that we call upon the Androscoggin County Commissioners to adopt a dispatch plan that will totally eliminate the subsidies provided by the taxpayers of Lewiston and Auburn for dispatch services that the County is not required by law to provide and which our communities do not receive. We further call upon the Commissioners to seriously consider plans that would fully consolidate Public Safety Answering Point and dispatch services in a single entity, recognizing that county-wide consolidation will allow for the equitable distribution of costs, long-term equipment and technology savings, and a high quality integrated public safety communication system.

BE IT FURTHER RESOLVED THAT, beginning January 1, 2013, the City of Lewiston shall take the necessary steps required to eliminate the current subsidy provided by Lewiston to the County for PSAP and dispatching services provided to other communities within Androscoggin County.

Passed - Vote 7-0

RESOLVE AUTHORIZING PHASE 1 OF THE PIERCE STREET PARK IMPROVEMENTS

VOTE (106-2012)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To approve the Resolve authorizing Phase 1 of the Pierce Street Park Improvements:

Whereas, \$30,000 in Community Development Block Grant funds has previously been approved for Public Works to undertake certain improvements at Pierce Street Park; and

Whereas, \$25,000 in Community Development Block Grant matching funds has also been appropriated for playground equipment in Pierce Street Park; and

Whereas, the Downtown Neighborhood Action Committee has been working on this project in concert with the Lewiston Youth Advisory Council; and

Whereas, Harriman Associates has donated \$4,750 in in-kind services toward the development of a master plan for the park; and

Whereas, this plan has been reviewed and discussed at a neighborhood meeting and approved by the Downtown Neighborhood Action Committee; and

Whereas, Phase I of the project is budgeted at \$63,037 and will allow for improvements to the soccer field, basketball area, paving, painting, green space improvements, entrance signage, and creating a picnic area; and

Whereas, Public Works has indicated that it is in a position to begin work in April and, if the project does not begin this month, it is likely to be delayed due to other work commitments and schedules; and

Whereas, as a result, the DNAC has voted to ask the Council to authorize Phase I of the Pierce Park improvement project to begin and to authorize the use of \$25,000 in CDBG matching funds and up to \$3,287 in CDBG funds designated for implementing the Downtown Neighborhood Action Plan for this purpose;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that Phase I of the Pierce Street Park Improvement project is hereby authorized to proceed and shall be funded by the following existing Community Development Block Grant appropriations: \$30,000 available to Public Works for Park Improvements; \$25,000 available as a matching grant for Pierce Street Park playground equipment; and up to \$3,287 allocated for implementation of the Downtown Neighborhood Action Plan.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A LETTER OF AGREEMENT WITH FPL ENERGY MAINE HYDRO LLC REGARDING THE PURCHASE AND SALE OF THE LEWISTON CANAL SYSTEM

VOTE (107-2012)

Motion by Councilor Butler, seconded by Councilor Libby:

To approve the Order Authorizing the City Administrator to execute a Letter of Agreement with FPL Energy Maine Hydro LLC regarding the purchase and sale of the Lewiston Canal System:

Whereas, the City of Lewiston and FPL have been in discussions for several years regarding the acquisition of the Lewiston Canal System by the City; and

Whereas, The City's goals have been to gain control of the canals and ensure long term water flow while minimizing any adverse impact on the City's tax rate; and

Whereas, under the terms of the letter of agreement, the City would stop generating power at Upper A; take ownership of the canals and FPL's generating assets associated with them; retain 70 cubic feet per second of water rights supplemented by scheduled flushing flows; repair leaks at dams, weirs, and gates along the canal; create a Tax Increment Financing district to use a portion of the new tax revenue generated by rubber dams being installed at the Monty to undertake canal repair; and negotiate a joint development agreement with FPL that would provide a 20% Tax Increment Financing return to FPL for their rubber dam investment; and

Whereas, the agreement provides for a sixty day due approval period in which to undertake due diligence, seek necessary approvals, and negotiate a joint development agreement and during which either party may provide notice that it does not wish to proceed; and

Whereas, while currently an unrecognized, blighted, and underutilized asset, the draft Riverfront Island Master Plan recommends that the city secure long term control of the canal network for a variety of public purposes that would allow the canals to become an asset that attracts people and investment;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a letter of Agreement with FPL Energy Maine Hydro LLC Regarding the Purchase and Sale of Lewiston Canal in substantially the form as attached hereto.

Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No Other Business was presented at this time.

VOTE (108-2012)

Motion by Councilor Cayer, second by Councilor Libby:

To adjourn at 9:11P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine