

CITY OF LEWISTON

CITY COUNCIL

JUNE 5, 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 (152-2012)

Motion by Councilor Cayer, seconded by Councilor Saddlemire:

To enter into Executive Session, pursuant to MRSA Title 1, section 405 (6) (c), to discuss Acquisition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session began at 6:00pm and ended at 6:45pm.

Regular Meeting began at 7:00pm.

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

Recreation Director Maggie Chisholm introduced Commander Willie Danforth of the local veterans organization and noted they are working together to install the new flag pole at the Lewiston Armory and the flagpole was donated by the Lewiston Elks Lodge.

Robert and Janet McCarthy of 34 Rejane Avenue questioned city approval from 2005 regarding property access on College Street for a tree clearing project by the Silva family. They noted the logging road needed to be done to town specifications. Mr. and Mrs. McCarthy were referred to the Public Works Director who will look into the matter.

RATIFICATION OF APPOINTMENT OF PUBLIC HEALTH COMMITTEE MEMBERS

VOTE (153-2012)

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

To ratify the appointment of the following members to the Lewiston Auburn Public Health Committee:

- 1) Mental Health Representative: Catherine Ryder, Tri-County Mental Health - term expires October 22, 2014
- 2) Lewiston-Auburn Business Representative: Diane Stevens, Oxford Networks - term expires October 22, 2014
- 3) Androscoggin Sheriff Department: Theresa Kesteloot - term expires October 22, 2014

Passed - Vote 7-0

APPOINTMENT TO THE BOARD OF LIBRARY TRUSTEES

VOTE (154-2012)

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

To confirm the Mayor's nomination of Zam Zam Mohamud of 66 Tall Pines Drive to serve as a member of the Board of Library Trustees and to appoint Ms. Mohamud as a member of the Board of Library Trustees for a three year term, said term to expire January 7, 2013.

Passed - Vote 7-0

RESOLVE ACCEPTING DONATIONS FOR THE PURPOSE OF SPONSORING PERFORMING ARTS PROGRAMS FOR CHILDREN WITHIN THE LEWISTON AND AUBURN AREA

VOTE (155-2012)

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

To adopt the Resolve accepting donations for the purpose of sponsoring performing arts programs for children in the Lewiston and Auburn area:

Whereas, The Lewiston Department of Recreation and the Auburn Parks and Recreation Department combine efforts to bring the Wednesdays In The Park program to both Communities; and

Whereas, Wednesdays In The Park celebrates its thirty-third season of performing arts this year; and

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

Whereas, Local businesses and organizations donate funds to support the entire operating budget for the Wednesday's In The Park program;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the City Administrator is authorized to accept the donations and promotion from the following local businesses and organizations that will allow the Wednesdays In The Park Program to operate:

2012 WEDNESDAYS IN THE PARK SPONSORS

ACA Dr. Paul Fortier Chapter 52	\$100
Auburn Exchange Club	\$250
Franco American War Veterans Inc. Post 31	\$50
Great Falls Security Systems	\$50
Lewiston Housing Authority	\$25
Liberty Mutual	\$1,000
Mechanics Savings Bank	\$125
Maine Family	\$100
Pike Industries	\$100
Platz Associates	\$50
Sam’s Italian Sandwich Shoppes	\$50
Shaw’s Supermarkets	\$100
Tambrand’s	<u>\$500</u>
Total	\$2500

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

RESOLVE ACCEPTING DONATIONS FOR THE PURPOSE OF INSTALLING A FLAG POLE AND BENCH AT THE LEWISTON MEMORIAL ARMORY

VOTE (156-2012)

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

To adopt the Resolve accepting donations for the purpose of installing a flag pole and bench at the Lewiston Memorial Armory:

Whereas, this project originated with the Lewiston Elks Lodge #371; and

Whereas, the Benevolent and Protector Order of Elks is a patriotic organization dedicated to promoting Americanism and supporting our nation’s youth, veterans, and charities; and

Whereas, the Elks, in conjunction with other sponsors, has offered to donate \$3,500 to purchase and install a flag pole and bench at the Lewiston Armory; and

Whereas, this donation will complement work currently underway at the Armory and will eliminate the necessity of periodically accessing the flag pole mounted on the roof; and

Whereas, a groundbreaking ceremony for the donated flag pole and bench will be held in conjunction with Flag Day and will be facilitated by the officers and members of the Lewiston

Elks Lodge and other local sponsors; and

Whereas, the Flag Day aspect of the festivities will commemorate the 235th anniversary of the adoption of the Star Spangled Banner as the official United States of America flag, which was signed into law by the Second Continental Congress on June 14, 1777.

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the City Administrator is authorized to accept donations in the amount of \$3,500 for a flag pole and bench from the Lewiston Elks Lodge #371 and local sponsors for the purpose of relocating the flag pole from the roof to ground level in front of the Armory.

Be it Further Resolved that the City Council expresses its thanks and appreciation to the Lewiston Elks and local sponsors that have contributed funding to make this project possible.

Passed - Vote 7-0

ORDER APPROVING ANNUAL REPORTS FOR AFFORDABLE HOUSING TAX INCREMENT FINANCING DISTRICTS KNOWN AS COMMUNITY CONCEPTS, INC., BIRCH HILL SENIOR HOUSING ASSOCIATES, 81 ASH STREET AFFORDABLE HOUSING DEVELOPMENT AND LOFTS AT BATES MILL

VOTE (157-2012)

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

To adopt the Order approving the annual reports for Affordable Housing Tax Increment Financing Districts known as Community Concepts, Inc., Birch Hill Senior Housing Associations, 81 Ash Street Affordable Housing Development and Lofts at Bates Mill:

WHEREAS, MaineHousing requests the legislative body of the municipality to certify that the public purpose of affordable housing districts is being met; and

WHEREAS, the municipality is requested to further certify that the required housing affordability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the Districts and the related Affordable Housing Development Programs are being maintained;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the annual reports for Tax Year April 1, 2011 to March 31, 2012 for the Affordable Housing Tax Increment Financing Districts known as Community Concepts, Inc, Birch Hill Senior Housing Associates, 81 Ash Street Affordable Housing Development, and Lofts at Bates Mill are hereby approved and City staff is hereby authorized to submit these reports, as approved, to MaineHousing on the City's behalf.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE DOCUMENTS
AND ACCEPTING PROPERTY AND AN EASEMENT AT THE INTERSECTION OF
MARGUERETTE STREET AND JEANNETTE AVENUE**

VOTE (158-2012)

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

To adopt the Order authorizing the City Administrator to execute documents accepting property and an easement at the intersection of Marguerette Street and Jeannette Avenue:

Whereas, Jeanette St and Marguerette St were connected with an intersection many years ago; and

Whereas, in February 2012, the owners (Michael L. Cole and Erika Ackley) of a parcel of land at 36 Jeanette St were preparing to sell their property and questioned their deeds, which indicated they owned the land where the intersection was located; and

Whereas, a review of City records found no documents indicating the City had ever officially taken ownership of the property; and

Whereas, a pedestrian easement was not obtained to cross another section of this same property to access a walking trail between Jeanette St and Warren Ave; and

Whereas, the property owners (Michael L. Cole and Erika L. Ackley) agreed to sign a quitclaim deed to officially transfer the property and pedestrian easement rights to clear title for both the City and themselves; and

Whereas, Michael L. Cole and Erika L. Ackley have signed the quitclaim deed and easement deed and had it notarized;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is Authorized to execute any documents necessary to complete the transaction and accept the property and pedestrian easement as described in the quitclaim deed.

Passed - Vote 7-0

APPOINTMENT TO THE CABLE TELEVISION ADVISORY BOARD

VOTE (159-2012)

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

To confirm the Mayor's nomination of Stavros Mendros, 135 Hogan Road, to serve as a member of the Cable Television Advisory Board and to appoint Mr. Mendros as a member of the Board for a two year term, said term to expire January 7, 2014. Passed - Vote 7-0

At this time, the Mayor took agenda item 17 out of order and addressed it as this time.

COLLEGE STREET SPEED HUMP ALTERNATIVES

VOTE (160-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

To remove the speed bump on College Street and to change the pavement marking accordingly, and to direct the Police Department to create a plan to enforce the speed limit in this area.

Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AMENDMENTS TO THE GENERAL ASSISTANCE ORDINANCE REGARDING BURIALS AND CREMATIONS

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

VOTE (161-2012)

Motion by Councilor Butler, seconded by Councilor Libby:

That the proposed amendments to the City Code of Ordinances, Chapter 46, "General Assistance", Section 46-98 "Basic necessities; maximum level of assistance, burial and cremations", receive final passage by a roll call vote. Passed - Vote 7-0

At this time, the Council took agenda item 18 out of order and addressed it as this time.

AMENDMENTS TO THE GENERAL ASSISTANCE POLICY

VOTE (162-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

To approve the proposed amendments, regarding burials and cremations, to the General Assistance Policy, Policy Manual Number 31, as recommended by the Social Services Director and the City Administrator. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE VEGETATION ORDINANCE TO ESTABLISH REGULATIONS FOR THE COMMUNITY FOREST

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

VOTE (163-2012)

Motion by Councilor Cayer, seconded by Councilor Christ:

That the proposed amendments to the City Code of Ordinances, Chapter 78, "Vegetation", Article III "Community Forest", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next City Council meeting for final passage. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE PERTAINING TO SECOND HAND DEALERS

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

VOTE (164-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article VII “Junk Collectors, Pawnbrokers and Second Hand Dealers”, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting for final passage. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE LEWISTON FARMERS MARKET CONCERTS

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

VOTE (165-2012)

Motion by Councilor Libby, seconded by Councilor Saddlemire:

To conduct a public hearing on an application for an outdoor entertainment event for the Lewiston Farmers Market concerts, 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 Lewiston Farmers Market Association for outdoor music concerts for the Market, 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

PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS SPONSORED BY L/A ARTS AT DUFRESNE PLAZA

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

VOTE (166-2012)

Motion by Councilor Cayer, seconded by Councilor Libby:

To conduct a public hearing on an application from L/A Arts for the evening outdoor concerts to be held at Dufresne Plaza on the last Friday of the month in June, July, August and September, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to L/A Arts for the outdoor concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS LOCATED
AROUND THE CITY FOR THE BANDS ON THE RUN HALF MARATHON EVENT**

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

VOTE (167-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

To conduct a public hearing on an application from Museum L/A for the outdoor concerts to be held at Simard-Payne Park, Kennedy Park, Gas Light Park and Sunnyside Park on Sunday June 24, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to Museum L/A for the outdoor concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
357 SABATTUS STREET**

Mayor Macdonald opened the public hearing to receive citizen input and comment. 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. Mayor Macdonald then closed the hearing.

VOTE (168-2012)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

With regard to the property at 357 Sabattus Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT 72 WELLMAN
STREET**

Mayor Macdonald opened the public hearing to receive citizen input and comment. 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. Mayor Macdonald then closed the hearing.

VOTE (169-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

With regard to the property at 72 Wellman Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action. Passed - Vote 7-0

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

Mayor Macdonald announced that the city attorney's office and the owner of 220 Park St have received an agreement and the proceeding for condemnation can be terminated.

VOTE (170-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

To terminate the condemnation proceedings for the building located at 220 Park Street in light of the recent agreement reached between the city and the property owner. Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN
AMENDMENT TO THE LETTER OF AGREEMENT WITH FPL ENERGY MAINE
HYDRO, LLC – EXTENSION OF DUE DILIGENCE PERIOD – CANAL ACQUISITION**

VOTE (171-2012)

Motion by Councilor Cayer, seconded by Councilor Christ:

To accept for filing the letter dated June 5, 2012 from FPL Energy terminating the April 10, 2012 letter agreement. Passed - Vote 7-0

**APPROVAL OF THE ELECTION WARRANT FOR A SPECIAL MUNICIPAL
ELECTION TO BE HELD ON TUESDAY, JULY 10, 2012 FOR A REFERENDUM FOR
A SCHOOL CONSTRUCTION PROJECT AND RECOMMENDATIONS FROM THE
CITY CLERK/REGISTRAR OF VOTERS ON ACTIONS NECESSARY TO CONDUCT
SAID ELECTION**

VOTE (172-2012)

Motion by Councilor Saddleire, seconded by Councilor Libby:

Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, July 10, 2012 for the purpose of voting for the Referendum on a School Construction Project and to approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Election :

- A. That the hours for acceptance of registrations in person only, prior to the July 10th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, June 19 through July 9, 2012.
- 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 7:00am, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.
- D. To appoint the City Clerk as the City's Election Warden and the Deputy Registrar of Voters as the City's Ward Clerk, for the July 10 election.

Passed - Vote 7-0

**APPOINTMENT OF THE CITY COUNCIL'S REPRESENTATIVE TO THE
LEWISTON AUBURN PUBLIC HEALTH COMMITTEE AND CITY COUNCIL'S
REPRESENTATIVE TO THE CITY'S LOAN QUALIFICATION COMMITTEE**

VOTE (173-2012)

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

To appoint Councilor Saddlemire to serve as the City Council's representative to the Lewiston Auburn Public Health Committee. Passed - Vote 7-0

VOTE (174-2012)

Motion by Councilor Libby, seconded by Councilor Cayer:

To appoint Councilor D'Auteuil to serve as the City Council's representative to the Loan Qualification Committee. Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NEW
COLLECTIVE BARGAINING AGREEMENT WITH THE MAINE ASSOCIATION OF
POLICE, LEWISTON PATROL UNIT**

VOTE (175-2012)

Motion by Councilor Cayer, seconded by Councilor Butler:

To adopt the Order authorizing the City Administrator to execute a new Collective Bargaining Agreement with the Maine Association of Police, Lewiston Patrol Unit:

Whereas, the City and the Patrol 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 Patrol 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 Patrol 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 Maine Association of Police, Lewiston Patrol Unit collective bargaining agreement and is authorized to approve any final administrative and non-substantive amendments as needed.

Passed - Vote 7-0

REPORTS AND UPDATES

Update on the “Business Friendly Community” state application process – There will be a public hearing on June 19 regarding the application. This is an opportunity to review the process and development of Lewiston’s economic development programs.

OTHER BUSINESS

Councilor Butler asked for an update at the next meeting on the Libby Mill cupola.

VOTE (176-2012)

Motion by Councilor Libby, second by Councilor Cayer:

To adjourn at 9:15P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine