

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 4, 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.

Pledge of Allegiance to the Flag.
Moment of Silence.

EXECUTIVE SESSION

VOTE (241-2012)

Motion by Councilor Saddlemire, seconded by Councilor Cayer:

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

Session began at 6:31pm and ended at 6:53pm.

PUBLIC COMMENT PERIOD

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

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (242-2012)

Motion by Councilor Saddlemire, 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 \$1,252.00, or any portion thereof, in the case of the State of Maine vs. Stephen Farrington, CR-12-707 Court Records. 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’ account.
Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING CHANGES OF
PARKING REGULATIONS AND TRAFFIC LANES FOR A PORTION OF
PARK STREET**

VOTE (243-2012)

Motion by Councilor Saddlemire, seconded by Councilor Cayer:

To adopt the proposed amendments to the Traffic Schedule regarding the changes of parking

regulations and traffic lanes on a portion of Park Street. Passed - Vote 7-0

AMENDMENTS TO THE PLUMBING PERMIT FEE POLICY AND THE BUILDING PERMIT FEE POLICY REGARDING THE ADDITION OF BELATED FEES

VOTE (244-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the proposed amendments to the Plumbing Permit Fees Policy, Policy Manual Number 43, and to the Building Permit Fee Schedule Policy, Policy Manual Number 4, as recommended by the Director of Planning and Code Enforcement and the City Administrator. Passed - Vote 7-0

RESOLVE AUTHORIZING LAURENT F. GILBERT, SR. TO SOLICIT AND RAISE FUNDS FOR LIGHTING THE CLOCK TOWER OF LEWISTON CITY HALL

VOTE (245-2012)

Motion by Councilor Saddlemire, seconded by Councilor Cayer:

To adopt the Resolve authorizing Laurent F. Gilbert, Sr. to solicit and raise funds for lighting the clock tower of Lewiston City Hall:

WHEREAS, former Mayor Laurent F. Gilbert, Sr. has approached the City with a proposal to undertake a fund raising effort to light the tower of City Hall; and

WHEREAS, Lewiston City Hall is an historic structure whose clock tower, an integral part of Lewiston's historic skyline, can be seen over a wide area; and

WHEREAS, the estimated cost of this project is \$35,547, including all materials, labor, and equipment costs; and

WHEREAS, Mr. Gilbert has requested that the City provide the required labor to install the lighting as an in-kind donation in the amount of \$9,255; and

WHEREAS, subject to the provision of in-kind services, the fund raising goal for this effort would be \$26,292;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON that Laurent F. Gilbert, Sr. is hereby authorized to solicit and raise donations for the purpose of lighting the tower of Lewiston City Hall. This authorization shall remain valid until September 31, 2013 or until the project's fundraising goal has been met, whichever occurs first. Pledges and Donations for this purpose shall be made to the City of Lewiston and shall be deposited in a separate account established by the Finance Director for this purpose. The Finance Director shall provide all donors with receipts recognizing their contribution. If, for any reason, this project is not completed, the Finance Director shall return any donations actually received by the City.

Be it Further Resolved that the City's web site may be used to provide information on this project and request donations.

Be it Further Resolved that, upon receipt of project funds in the amount of \$26,292, the lighting project is authorized to proceed and the City shall provide the necessary in-kind labor to install the lighting.

Passed - Vote 7-0

At this time, the Mayor took agenda item 14 out of order and addressed it at this time.

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO PROVIDE CITY SERVICES FOR THE AMERICAN HEART ASSOCIATION CENTRAL MAINE HEART WALK ON SUNDAY, SEPTEMBER 16, 2012

VOTE (246-2012)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To approve the Order authorizing the City Administrator to provide city services for the American Heart Association Central Maine Heart Walk on Sunday, September 16, 2012:

Whereas, the City of Lewiston has a history of providing support services for a variety of activities that will enhance our city's quality-of-life and provide approved non-profit organizations a source of revenue to support programming available to eligible Lewiston residents; and

Whereas, the American Heart Association-Central Maine Heart Walk event on September 16, 2012 was not approved as part of the City Council FY2013 budget approved Charitable Donations events; and

Whereas, the City cost for the event have been fully reviewed by city staff;
Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to direct all impacted city departments to provide applicable city support services at levels not to exceed those specified in Recreation Department Director Margaret Chisholm's memo.

Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE DEMPSEY CHALLENGE AND APPROVAL FOR USE OF CITY SERVICES

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 (247-2012)

Motion by Councilor Cayer, seconded by Councilor Christ:

To conduct a public hearing on an application from The Dempsey Challenge Committee for outdoor musical concerts to be held at Simard-Payne Memorial Park on October 13th and 14th, as part of The Dempsey Challenge, 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 the organizing committee for the outdoor music 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, and to also approve their request for the use of city services and related logistical aspects to assist with the success of their event.

Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR AMENDMENTS TO THE SOLID WASTE ORDINANCE REGARDING THE NEW EPASS SYSTEM

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 (248-2012)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

That the proposed amendment to the City Code of Ordinances, Chapter 62 “Solid Waste”, Section 62-11 “Definitions” and Section 62-24 “ePass program”, receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting for final passage. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE ON AMENDMENTS TO THE TRAFFIC AND VEHICLES ORDINANCE REGARDING WINTER NIGHTTIME PARKING

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 (249-2012)

Motion by Councilor Saddlemire, seconded by Councilor Libby:

That the proposed amendment to the City Code of Ordinances, Chapter 70 “Traffic and Vehicles”, Section 70-2 “Emergency or temporary regulations”, Section 70-158 “Parking time limited on streets; winter nighttime parking” and Section 70-178 “Interference with snow removal”, receive final passage by a roll call vote. Passed - Vote 7-0

At this time, the Mayor took agenda item 12 out of order and addressed it this time.

AUTHORIZATION FOR THE AUBURN-LEWISTON MUNICIPAL AIRPORT BOARD OF DIRECTORS TO SELL LOT NINE AT THE AUBURN-LEWISTON INDUSTRIAL AIRPARK

VOTE (250-2012)

Motion by Councilor Cayer, seconded by Councilor Libby:

To authorize the sale of Lot 9 at the Auburn-Lewiston Industrial Airpark and to authorize the Chairman of the Board of Directors of the Auburn-Lewiston Municipal Airport to sign on behalf of the City of Lewiston any and all documents necessary for the completion of this transaction.
Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
46 RIVER 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 (251-2012)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

With regard to the property at 46 River 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
117 PINE 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 (252-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

With regard to the property at 117 Pine 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

DISPOSITION OF THE PROPERTY AT 233 BLAKE STREET

VOTE (253-2012)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of the city-owned property at 233 Blake Street, be authorized to sell the parcel of land to Maurice M. Landry, and that the City Administrator be and hereby is authorized to make, execute and deliver any and all documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE DOCUMENTS
ISSUING AN EASEMENT FOR 45 LABBE AVENUE**

VOTE (254-2012)

Motion by Councilor Cayer, seconded by Councilor Libby:

To adopt the Order authorizing the City Administrator to execute documents issuing an easement for 45 Labbe Avenue:

Whereas, Christopher M. Bakkila and Katherine Stefko are preparing to sell their property at 45 Labbe Ave and the mortgage loan inspection questioned their deeds, which indicated their some gardens, a small outbuilding, and at least part of their driveway were not on their property; and

Whereas, the City owns the adjacent property at 389 Webber Ave where the Webber Ave Water Reservoir Tanks are located; and

Whereas, the encroachment upon the City of Lewiston's property at 389 Webber Ave appears to have been in place since before the early 1960's; and

Whereas, the encroachment is outside a fence erected when the new water tanks were installed in the early 2000's and in a buffer area between the City property and the adjacent residential area; and

Whereas, the owners of 45 Labbe Ave worked with their attorneys and with those of the potential property buyer and the City to develop an easement acceptable to all parties; and

Whereas, the easement would allow continued use of the property for the driveway, walking paths, and vegetable and flower gardens up to ten (10) feet from the fence; and

Whereas, the small outbuilding (shed) will be allowed to remain in place until any renovations or enlargement of the shed, at which time the shed will be removed from City property; and

Whereas, the grantees, their heirs and assigns shall hold the City harmless from any and all claims or liabilities arising out of or relating to their use of the easement, including costs of enforcement and reasonable attorney fees; and

Whereas, the grantees shall obtain and maintain homeowner’s insurance or other insurance coverage satisfactory to the City and an endorsement naming the City as an additional insured; and

Whereas, the grantees shall record the easement in the Androscoggin County Registry of Deeds;

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 issue the easement as described in the attached Easement Deed (Release).

Passed - Vote 7-0

**RESOLVE SUPPORTING A U.S. CONSTITUTIONAL AMENDMENT ON
CAMPAIGN FINANCE**

VOTE (255-2012)

Motion by Councilor Butler, second by Councilor Cayer:

To amend the Resolve to change the beginning of the fifth Whereas statement to include the following words: “The City Council on behalf of the citizens of the City of Lewiston”.

Passed - Vote 7-0

VOTE (256-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To adopt the Resolve supporting a U.S. Constitutional amendment on campaign finance:

WHEREAS, government of, by, and for the people is a cherished American ideal, and the right of self-governance is fundamental; and

WHEREAS, it is the right of the people to alter the government when it becomes destructive to the goals of securing the right to life, liberty, and the pursuit of happiness articulated in the Declaration of Independence; and

WHEREAS, United States Supreme Court rulings, beginning with Buckley v. Valeo and continuing through Citizens United v. FEC and others, have interpreted the First Amendment and its application to elections in such a way as to disproportionately elevate the role of wealthy special interests in elections and diminish the voices and influence of ordinary Americans; and

WHEREAS, the City Council on behalf of the citizens of the City of Lewiston are deeply concerned that the proliferation of unlimited campaign contributions can unfairly influence our local, state, and federal elections, elected representatives, and public policy; and

WHEREAS, the current legal landscape severely constrains the range of options available to correct these problems through normal legislative means;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISTON that the City of Lewiston hereby calls on our state and federal representatives to

support an amendment to the Constitution of the United States that would:

FIRST, differentiate the spending of money in elections from First Amendment activities;

SECOND, empower state and federal governments to regulate the raising and spending of funds in elections; and

THIRD, clarify that only human beings, not Corporations, are endowed with constitutional rights relating to freedom of speech.

BE IT FURTHER RESOLVED that the City of Lewiston calls on other communities and jurisdictions across the state to join this action by passing similar resolutions.

Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Councilors requested a workshop on parking issues and a review of ordinances that regulate small businesses in town.

VOTE (257-2012)

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

To adjourn at 8:15P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine