

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 18, 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.

PUBLIC COMMENT PERIOD

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

RESOLVE ADOPTING POST-ISSUANCE TAX COMPLIANCE POLICY FOR TAX-EXEMPT OBLIGATIONS AND OTHER TAX-BENEFITTED OBLIGATIONS

VOTE (258-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To adopt and establish the Post-Issuance Tax Compliance Policy, City Policy Manual, Policy Number 76:

Whereas, the Internal Revenue service (IRS) has increased monitoring and oversight on tax exempt issues; and

Whereas, the IRS has recently clarified certain elements of its regulations and increased the number of compliance audits it performs; and

Whereas, the IRS is emphasizing the importance of establishing a written Post-Issuance Tax Compliance Policy; and

Whereas, the existence of such a policy increases the likelihood that the City will remain in compliance with IRS regulations and, if not adopted, could increase the chances that the City’s bond issues may be audited in future years;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the attached Post-Issuance Tax Compliance Policy for Tax-Exempt Obligations and Other Tax-Benefited Obligations is hereby adopted.

Passed - Vote 7-0

AMENDMENTS TO THE MUNICIPAL PARKING POLICY TO ADD A NEW FEE FOR VIOLATIONS OF THE EMERGENCY PARKING BANS

VOTE (259-2012)

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve the proposed amendments to the Parking Fees Policy, Policy Manual Number 42, as recommended by the City Administration and the Chief of Police. Passed - Vote 7-0

**AMENDMENTS TO THE CITY POLICY MANUAL REGARDING THE
COMMERCIAL REHABILITATION LOAN PROGRAM POLICY**

VOTE (260-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To repeal the current Commercial Rehabilitation Loan Program Guidelines, Policy Manual Number 27, and to adopt in its entirety a new Commercial Rehabilitation Loan Program Guidelines, Policy Manual Number 27, as recommended by the Community Development Department staff and the City Administrator. Passed - Vote 7-0

**AMENDMENT TO THE RULES GOVERNING THE CITY COUNCIL TO
AUTHORIZE THE MAYOR TO TAKE MEETING AGENDA ITEMS OUT OF ORDER
TO ACCOMMODATE THE PUBLIC**

VOTE (261-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the proposed amendment to the Rules Governing the City Council, City Policy Manual Number 6. Passed - Vote 7-0

**ORDER AUTHORIZING THE EXECUTION OF A MUNICIPAL QUITCLAIM DEED
FOR REAL ESTATE LOCATED AT 1567 LISBON STREET**

VOTE (262-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 1567 Lisbon Street:

Be It Ordered by the City Council of the City of Lewiston that Heather Hunter, Finance Director, is hereby authorized and directed, on behalf of the City of Lewiston, to execute a Municipal Quitclaim Deed releasing any interest the City may have by virtue of an undischarged real estate tax liens recorded in the Androscoggin County Registry of Deeds in Book 7951, Page 336, Book 8180, Page 118, and Book 8416, Page 299. Said deed shall be directed to 1567 Lisbon Street Realty, LLC in a form approved by the City Attorney.

Passed - Vote 7-0

ADOPTION OF MEETING SCHEDULE FOR THE MONTH OF NOVEMBER

VOTE (263-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To suspend Section 1,(a) of the Rules Governing the City Council, to cancel the November 6, 2012 Council meeting due to the conflict with Election Day and to hold one regular meeting during the month of November on Tuesday, November 20th. Passed - Vote 7-0

APPOINTMENT OF VOTING DELEGATE AND ALTERNATIVE TO THE MAINE MUNICIPAL ASSOCIATION ANNUAL BUSINESS MEETING

VOTE (264-2012)

Motion by Councilor Libby, seconded by Councilor Christ:

To appoint City Councilor John Butler to serve as the City's delegate to the Maine Municipal Association Annual Meeting in October 2012 and to appoint City Administrator Edward Barrett to serve as the alternate delegate. Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR ANTIGONI'S PIZZA, 757 MAIN STREET

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

VOTE (265-2012)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To authorize the City Clerk's Office to approve a new liquor license application for Antigoni's Pizza, 757 Main Street. Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION AND SPECIAL AMUSEMENT PERMIT FOR ALTERA, 347 LISBON STREET

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

VOTE (266-2012)

Motion by Councilor Saddlemire, seconded by Councilor Libby:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Altera, 347 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING ON A NEW APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR SKYE, 855 LISBON STREET

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members

of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (267-2012)

Motion by Councilor Butler, seconded by Councilor Libby:

To grant a special amusement permit for live entertainment to Skye, 855 Lisbon Street

Passed - Vote 7-0

PUBLIC HEARING ON A RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FAST BREAKS, 1465 LISBON STREET

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

VOTE (268-2012)

Motion by Councilor Cayer, seconded by Councilor Christ:

To grant a special amusement permit for live entertainment to Fast Breaks, 1465 Lisbon Street.

Passed - Vote 7-0

PUBLIC HEARING AND FINAL 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 members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (269-2012)

Motion by Councilor Butler, seconded by Councilor Cayer:

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 final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM GRIMMEL'S INDUSTRIES, 50 RIVER ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

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

VOTE (270-2012)

Motion by Councilor Cayer, seconded by Councilor Libby:

To grant an Automobile Graveyard/Junkyard permit to Grimmel's Industries, 50 River Road, subject to the following conditions:

1. The hours of operation shall be limited to 7:00am to 5:00pm, Monday through Saturday.
2. Maintain screening from the Maine Turnpike.

Passed - Vote 7-0

**PUBLIC HEARING ON AN APPLICATION FROM LEWISTON PUBLIC WORKS
DEPARTMENT, 424-482 RIVER ROAD, FOR AN AUTOMOBILE
GRAVEYARD/JUNKYARD PERMIT**

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

VOTE (271-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

To grant an Automobile Graveyard/Junkyard permit to the Lewiston Public Works Department, 424-482 River Road. Passed - Vote 7-0

**PUBLIC HEARING ON AN APPLICATION FROM GARY ST. LAURENT/MAINE
HEAVY EQUIPMENT, 1445 SABATTUS STREET, FOR AN AUTOMOBILE
GRAVEYARD/JUNKYARD PERMIT**

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

VOTE (272-2012)

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

To grant an Automobile Graveyard/Junkyard permit to Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street. Passed - Vote 7-0

**PUBLIC HEARING ON AN APPLICATION FROM DANA'S GARAGE, 193 CROWLEY
ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

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

VOTE (273-2012)

Motion by Councilor Butler, seconded by Councilor Libby:

To grant an Automobile Graveyard/Junkyard permit to Dana's Garage, 193 Crowley Road, subject to the condition that no more than 1,000 tires may be stored on the property.
Passed - Vote 7-0

**PUBLIC HEARING ON AN APPLICATION FROM K.T.I. BIOFUELS, L.P.,
38 ALFRED A. PLOURDE PARKWAY, FOR AN AUTOMOBILE
GRAVEYARD/JUNKYARD PERMIT**

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

VOTE (274-2012)

Motion by Councilor Christ, seconded by Councilor Butler:

To grant an Automobile Graveyard/Junkyard permit to K.T.I Bio Fuels, Inc., 38 Alfred A. Plourde Parkway, subject to conditions outlined in their application.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE TRANSFER OF FUNDS FROM THE 2010 STORMWATER PEPPERELL MILL HEADRACE PROJECT TO THE 2010 STORMWATER GENERAL STORM DRAIN REHABILITATION PROJECT

VOTE (275-2012)

Motion by Councilor Cayer, seconded by Councilor Saddlemire:

To approve the Resolve authorizing the transfer of \$120,126.21 from the 2010 Stormwater Pepperell Mill Headrace Project (646-6460505) to the 2010 Stormwater General Storm Drain Rehabilitation Project (646-6460404):

WHEREAS, it is unclear when the City may acquire the canals and be able to complete the Pepperell Mill Headrace Project in its entirety; and

WHEREAS, the Internal Revenue Service has strict bond money spend down requirements that must be met in order to avoid rebating funds to them; and

WHEREAS, culvert work is needed on Pond Road and Sabattus Street and trench repairs are required on Middle Street;

NOW, THEREFORE, BE IT RESOLVED by the CITY COUNCIL of the CITY of LEWISTON that \$120,126.21 is hereby transferred from the 2010 Stormwater Pepperell Mill Headrace Project (646-6460505) to the 2010 Stormwater General Storm Drain Rehabilitation Project (646-6460404).

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE SECOND AMENDMENT TO THE OPTION TO PURCHASE AGREEMENT BETWEEN THE CITY AND CENTRAL MAINE POWER – LEWISTON STEAM PLANT AND 51 MIDDLE STREET

VOTE (276-2012)

Motion by Councilor Saddlemire, seconded by Councilor Christ:

To approve the Order authorizing the City Administrator to execute the Second Amendment to the Option to Purchase Agreement between the City and Central Maine Power – Lewiston Steam Plant and 51 Middle Street:

Whereas, in November 2007, the City and CMP entered into an Option agreement to purchase

and exchange certain parcels in or near downtown Lewiston for the purpose of relocating the electrical substation located near the intersection of Main and Mill Streets; and

Whereas, the original option expiration date of September 20, 2010 was extended through option amendment number one to September 20, 2012; and

Whereas, due to regulatory delays imposed by the Maine Public Utilities Commission, approval for this project has yet to be granted; and

Whereas, both the City and CMP continue to support the construction of a new substation and an improved electrical distribution system to serve downtown Lewiston; and

Whereas, this exchange will assist the City in its efforts to prepare Island Point for redevelopment; and

Whereas, this amendment will retain all other terms and conditions as outlined in the original option agreement.

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a Second Amendment to Option to Purchase between the City and Central Maine Power Company in the form attached hereto.

Passed - Vote 7-0

RESOLVE – COMMUNICATING THE POSITION OF THE LEWISTON CITY COUNCIL TO THE MAINE TURNPIKE AUTHORITY REGARDING THE GOULD ROAD OLD LISBON ROAD INTERSECTION

VOTE (277-2012)

Motion by Councilor Butler, second by Councilor Desjardins:

To adopt Option Number Two – with a 2 way stop at the intersection.
Did Not Pass - Vote 2-5 (Councilors Butler and Desjardins in favor)

VOTE (278-2012)

Motion by Councilor Libby, seconded by Councilor Saddle mire:

To approve the Resolve communicating the position of the Lewiston City Council to the Maine Turnpike Authority regarding the Gould Road Old Lisbon Road intersection:

Whereas, the Maine Turnpike Authority is undertaking a project to replace the Old Lisbon Road Bridge over the turnpike ; and

Whereas, as an element of that project, the nearby intersection of Gould and Old Lisbon was reviewed and it was determined that its current alignment does not meet current sight distance standards; and

Whereas, three alternatives have been identified including retaining the current alignment; designating the portion of Gould closest to Old Lisbon as one-way; and dead-ending Gould before its intersection with Old Lisbon; and

Whereas, the MTA has requested that the City identify its preferred option in a timely manner to ensure that design of the bridge replacement project can be completed in time to allow for construction next year; and

Whereas, Sixty-four property owners in the area were contacted, provided with an explanation of the 3 potential options, and asked their preferences; and

Whereas, Twenty-eight (44%) property owners responded to the survey with 15 favoring the current alignment, 11 favoring one-way, and 2 favoring a dead-end; and

Whereas, the City Council held a workshop to review this information and to allow interested parties to express their opinion;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the proposed MTA option to designate the Old Lisbon Road end of Gould Road one-way is the preferred option and this shall be communicated to the Maine Turnpike Authority for purposes of completing the design of the Old Lisbon Road bridge project.

Passed - Vote 5-2 (Councilors Butler and Desjardins opposed)

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Councilor Cayer asked to have the bed bug issue that was brought up by a resident at the previous meeting looked into by city staff so a response can be prepared for him and to the public.

EXECUTIVE SESSION

VOTE (279-2012)

Motion by Councilor Saddlemire, second by Councilor Butler:

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 8:30pm and ended at 9:05pm

VOTE (280-2012)

Motion by Councilor Butler, second by Councilor Saddlemire:

To adjourn at 9:05P.M. Passed - Vote 7-0

CITY COUNCIL

SEPTEMBER 18, 2012

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine