

**CITY OF LEWISTON**

**CITY COUNCIL**

**APRIL 1, 2014**

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

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Dubois, D’Auteuil, Libby, Christ, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.  
Moment of Silence.

**PROCLAMATION DECLARING APRIL AS “FAIR HOUSING MONTH”**

The Mayor read the Proclamation declaring April as “Fair Housing Month” in Lewiston.

**VOTE (134-2014)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

To dispense with the reading of the minutes of the meetings of March 18 and 25, 2014 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**PUBLIC COMMENT PERIOD**

No members of the public offered comment at this time.

**PUBLIC HEARING ON AN AMENDMENT TO THE CONDITIONS OF THE  
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT FOR REENERGY LEWISTON,  
LLC, 38 ALFRED A. PLOURDE PARKWAY**

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 (135-2014)**

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the following amendment to the conditions of the Automobile Graveyard/Junkyard permit for ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway:

“An effective visual screen at least six feet in height shall be located and maintained around all sides of the area where junk is located such as that these areas are entirely screened from the ordinary view from all directly abutting properties and public ways at all times. The existing ‘wood and pole’ fence that was adjacent to 32 Plourde Parkway will be replaced with a ‘screen-mesh and pole’ fence of similar length and height. This new fence shall be properly maintained at all times, including the replacement of the ‘screen-mesh’ should the material degrade such that

an effective visual screen is no longer provided. Given that the proposed screening material represents a non-standard design with limited history on its performance, the City reserves the right to evaluate the screening integrity of the fence bi-annually and if it is determined that it no longer meets the requirements of the City Code of Ordinances, Article XII, Section 22-75(c) (1) and (2) and MRS Title 30-A, Sec. 3754-A it will need to be replaced.”

Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE BUILDINGS AND BUILDING REGULATIONS ORDINANCE REGARDING THE PROPERTY MAINTENANCE CODE AND HEAT SUPPLY**

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 (136-2014)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

That the proposed amendments to the City Code of Ordinances, Chapter 18 “Buildings and Building Regulations”, Section 18-52, “Amendments to the Property Maintenance Code”, Chapter 6 “Mechanical and Electrical Requirements” receive final passage by a roll call vote.  
Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AMENDMENTS TO THE ELECTIONS ORDINANCE FOR THE REDISTRICTING OF CITY WARD BOUNDARY LINES**

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 (137-2014)**

Motion by Councilor Lachance, seconded by Councilor Christ:

That the proposed amendments to the City Code of Ordinances, Chapter 32 “Elections”, Section 32-1 “Wards described”, receive final passage by a roll call vote and that the amendments shall go into effect on June 13, 2014. Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT 40 UNION STREET**

David Hediger, Deputy 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. Hediger 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. No City Councilors know the property

owners of 40 Union Street. Dan Pierce introduced himself as one of the owners of the property. He said he did not object to the actions of the Council regarding this property.

**VOTE (138-2014)**

Motion by Councilor Cayer, seconded by Councilor Libby:

With regard to the property at 40 Union 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  
112 COLLEGE STREET**

David Hediger, Deputy 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. Hediger 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. No City Councilors know the property owners of 112 College Street. Shannon Merrill introduced herself as the attorney for Citibank, the company which holds the mortgage, and she noted the property was placed up for sale 8 days ago and already has two very interested buyers. She noted they have plans for repairs and asked to have clause #18(4) on page two removed because it would create undue financial hardship for the new owners. Two realtors from Shore and Country Real Estate were present and noted recently the property has been cleaned up – the raw sewage and trash have been removed and the building has been boarded up and secured. One of the realtors noted the bonding requirement would be cost prohibitive for potential buyers.

**VOTE (139-2014)**

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

To remove Clause #18 (4) from page two of the Order of Condemnation for this property which states: "a bond in the amount of 125% of the cost of the City estimates to demolish the Structure, remove all debris, and stabilize the site, as agreed to by the Planning Department"  
Passed - Vote 4-3 (Councilors Libby, Christ and Cayer opposed)

**VOTE (140-2014)**

Motion by Councilor Libby, seconded by Councilor Cayer:

With regard to the property at 112 College 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 BUILDING LOCATED AT  
178 HOLLAND STREET**

David Hediger, Deputy 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. Hediger 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. No City Councilors know the property owners of 40 Union Street. No one in the audience stated they were present as the owners or on their behalf.

**VOTE (141-2014)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

With regard to the property at 178 Holland 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

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

**VOTE (142-2014)**

Motion by Councilor Christ, seconded by Councilor Libby:

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) Gerald P. Berube , three year term expiring April 2017
- 2) Jeffrey Gosselin, three year term expiring April 2017

Passed - Vote 7-0

**REPORTS AND UPDATES**

Mayor Macdonald appointed Jared Golden of Nichols Street as an associate member of the Board of Appeals, with a term to expire January 2016. The City Administrator provided an update of the Casella work at the Solid Waste Facility noting they received their DEP permit last month and Gendron and Gendron received the construction contract. Councilor Cloutier reminded the Council about the LA Immigrants program sponsored by LYAC at the Armory on Saturday and

noted there will be speakers, music and food.

**OTHER BUSINESS**

No other business was presented at this time.

**EXECUTIVE SESSION**

**VOTE (143-2014)**

Motion by Councilor Dubois, seconded by Councilor Christ:

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

Executive Session began at 8:23pm and ended at 8:46pm.

**VOTE (144-2014)**

Motion by Councilor Libby, seconded by Councilor Christ:

To adjourn at 8:46P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine